

Rogers (MI) Shuler
Rohrabacher Shuster
Rooney Simpson
Ros-Lehtinen Smith (NE)
Roskam Smith (NJ)
Royce Smith (TX)
Ryan (WI) Stearns
Scalise Sullivan
Schmidt Tanner
Schock Taylor
Sensenbrenner Terry
Sessions Thompson (PA)
Shadegg Thornberry
Shimkus Tiahrt

NOT VOTING—8

Barrett (SC) Ellison Smith (WA)
Buyer Moore (WI) Souder
Davis (AL) Reichert

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1508

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 10, as follows:

[Roll No. 189]

YEAS—241

Ackerman Crowley Hastings (FL)
Altmire Cuellar Heinrich
Andrews Cummings Heller
Baca Dahlkemper Higgins
Baird Davis (CA) Hinchey
Baldwin Davis (IL) Hinojosa
Barrow Davis (TN) Hirono
Bean DeFazio Hodes
Becerra DeGette Holden
Berkley Delahunt Holt
Berman DeLauro Honda
Berry Dent Hoyer
Bilbray Dicks Hunter
Bishop (GA) Dingell Inslee
Bishop (NY) Doggett Israel
Blumenauer Doyle Issa
Boswell Driehaus Jackson (IL)
Boucher Edwards (MD) Jackson Lee
Boyd Edwards (TX) (TX)
Brady (PA) Ellison Johnson (GA)
Braley (IA) Engel Johnson (IL)
Brown, Corrine Eshoo Johnson, E. B.
Butterfield Farr Kagen
Capito Fattah Kanjorski
Capps Filner Kaptur
Capuano Foster Kennedy
Carnahan Frank (MA) Kildee
Carson (IN) Fudge Kilpatrick (MI)
Castle Garamendi Kilroy
Castor (FL) Gerlach Kind
Chaffetz Gonzalez Kissell
Chandler Goodlatte Klein (FL)
Chu Gordon (TN) Kosmas
Clarke Graves Kucinich
Clay Grayson Langevin
Cleverer Green, Al Larsen (WA)
Clyburn Green, Gene Larson (CT)
Coble Grijalva Latham
Cohen Gutierrez Lee (CA)
Conyers Hall (NY) Levin
Cooper Halvorson Lewis (GA)
Costello Hare Lipinski
Courtney Harman Loebsock

Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NAYS—178

Adersholt
Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bigger
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Carney
Carter
Cassidy
Childers
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Culbertson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Granger
Griffith
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hoekstra
Inglis
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp

Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC) Hall (TX) Souder
Buyer Matsu Wilson (OH)
Davis (AL) Perlmutter
Gohmert Reichert

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1514

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4269

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 4269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1515

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

Mr. OBERSTAR. Mr. Speaker, pursuant to House Resolution 1212, I call up the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “FAA Air Transportation Modernization and Safety Improvement Act”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Operations.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. Research and development.

Sec. 104. Airport planning and development and noise compatibility planning and programs.

Sec. 105. Other aviation programs.

Sec. 106. Delineation of Next Generation Air Transportation System projects.

Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.

Sec. 202. Passenger facility charge pilot program.

Sec. 203. Amendments to grant assurances.

Sec. 204. Government share of project costs.

Sec. 205. Amendments to allowable costs.

Sec. 206. Sale of private airport to public sponsor.

Sec. 207. Government share of certain air project costs.

Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.

Sec. 208. Miscellaneous amendments.

Sec. 209. State block grant program.

Sec. 210. Airport funding of special studies or reviews.

Sec. 211. Grant eligibility for assessment of flight procedures.

Sec. 212. Safety-critical airports.

Sec. 213. Environmental mitigation demonstration pilot program.

Sec. 214. Allowable project costs for airport development program.

Sec. 215. Glycol recovery vehicles.

Sec. 216. Research improvement for aircraft.

Sec. 217. United States Territory minimum guarantee.

Sec. 218. Merrill Field Airport, Anchorage, Alaska.

Sec. 219. Release from restrictions.

Sec. 220. Designation of former military airports.

Sec. 221. Airport sustainability planning working group.

Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.

Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.

Sec. 302. NextGen management.

Sec. 303. Facilitation of next generation air traffic services.

Sec. 304. Clarification of authority to enter into reimbursable agreements.

Sec. 305. Clarification to acquisition reform authority.

Sec. 306. Assistance to other aviation authorities.

Sec. 307. Presidential rank award program.

Sec. 308. Next generation facilities needs assessment.

Sec. 309. Next generation air transportation system implementation office.

Sec. 310. Definition of air navigation facility.

Sec. 311. Improved management of property inventory.

Sec. 312. Educational requirements.

Sec. 313. FAA personnel management system.

Sec. 314. Acceleration of NextGen technologies.

Sec. 315. ADS-B development and implementation.

Sec. 316. Equipage incentives.

Sec. 317. Performance metrics.

Sec. 318. Certification standards and resources.

Sec. 319. Report on funding for NextGen technology.

Sec. 320. Unmanned aerial systems.

Sec. 321. Surface Systems Program Office.

Sec. 322. Stakeholder coordination.

Sec. 323. FAA task force on air traffic control facility conditions.

Sec. 324. State ADS-B equipage bank pilot program.

Sec. 325. Implementation of Inspector General ATC recommendations.

Sec. 326. Semiannual report on status of Greener Skies project.

Sec. 327. Definitions.

Sec. 328. Financial incentives for Nextgen Equipage.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.

Sec. 402. Publication of customer service data and flight delay history.

Sec. 403. Expansion of DOT airline consumer complaint investigations.

Sec. 404. Establishment of advisory committee for aviation consumer protection.

Sec. 405. Disclosure of passenger fees.

Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.

Sec. 407. Notification requirements with respect to the sale of airline tickets.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program.

Sec. 412. Extension of final order establishing mileage adjustment eligibility.

Sec. 413. EAS contract guidelines.

Sec. 414. Conversion of former EAS airports.

Sec. 415. EAS reform.

Sec. 416. Small community air service.

Sec. 417. EAS marketing.

Sec. 418. Rural aviation improvement.

Sec. 419. Repeal of essential air service local participation program.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.

Sec. 432. Contract tower program.

Sec. 433. Airfares for members of the Armed Forces.

Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.

Sec. 502. Judicial review of denial of airman certificates.

Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.

Sec. 504. Design organization certificates.

Sec. 505. FAA access to criminal history records or database systems.

Sec. 506. Pilot fatigue.

Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.

Sec. 508. Cabin crew communication.

Sec. 509. Clarification of memorandum of understanding with OSHA.

Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.

Sec. 511. Improved safety information.

Sec. 512. Voluntary disclosure reporting process improvements.

Sec. 513. Procedural improvements for inspections.

Sec. 514. Independent review of safety issues.

Sec. 515. National review team.

Sec. 516. FAA Academy improvements.

Sec. 517. Reduction of runway incursions and operational errors.

Sec. 518. Aviation safety whistleblower investigation office.

Sec. 519. Modification of customer service initiative.

Sec. 520. Headquarters review of air transportation oversight system database.

Sec. 521. Inspection of foreign repair stations.

Sec. 522. Non-certificated maintenance providers.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. FAA pilot records database.

Sec. 552. Air carrier safety management systems.

Sec. 553. Secretary of Transportation responses to safety recommendations.

Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.

Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.

Sec. 556. Flightcrew member mentoring, professional development, and leadership.

Sec. 557. Flightcrew member screening and qualifications.

Sec. 558. Prohibition on personal use of certain devices on flight deck.

Sec. 559. Safety inspections of regional air carriers.

Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.

Sec. 561. Oversight of pilot training schools.

Sec. 562. Enhanced training for flight attendants and gate agents.

Sec. 563. Definitions.

Sec. 564. Study of air quality in aircraft cabins.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.

Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.

Sec. 603. Production of alternative fuel technology for civilian aircraft.

Sec. 604. Production of clean coal fuel technology for civilian aircraft.

Sec. 605. Advisory committee on future of aeronautics.

Sec. 606. Research program to improve airfield pavements.

Sec. 607. Wake turbulence, volcanic ash, and weather research.

Sec. 608. Incorporation of unmanned aircraft systems into FAA plans and policies.

Sec. 609. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.

Sec. 610. Pilot program for zero emission airport vehicles.

Sec. 611. Reduction of emissions from airport power sources.

Sec. 612. Siting of windfarms near FAA navigational aides and other assets.

Sec. 613. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.

Sec. 702. Human intervention management study.

Sec. 703. Airport program modifications.

Sec. 704. Miscellaneous program extensions.

Sec. 705. Extension of competitive access reports.

Sec. 706. Update on overflights.

Sec. 707. Technical corrections.

Sec. 708. FAA technical training and staffing.

Sec. 709. Commercial air tour operators in national parks.

Sec. 710. Phaseout of Stage 1 and 2 aircraft.

Sec. 711. Weight restrictions at Teterboro Airport.

Sec. 712. Pilot program for redevelopment of airport properties.

Sec. 713. Transporting musical instruments.

Sec. 714. Recycling plans for airports.

Sec. 715. Disadvantaged Business Enterprise Program adjustments.

Sec. 716. Front line manager staffing.

Sec. 717. Study of helicopter and fixed wing air ambulance services.

Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.

Sec. 719. Study of aeronautical mobile telemetry.

Sec. 720. Flightcrew member pairing and crew resource management techniques.

Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.

- Sec. 722. Line check evaluations.
 Sec. 723. Report on Newark Liberty Airport air traffic control tower.
 Sec. 724. Priority review of construction projects in cold weather States.
 Sec. 725. Air-rail codeshare study.
 Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
 Sec. 727. Study on aviation fuel prices.
 Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
 Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.
 Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.
 Sec. 731. Technical correction.
 Sec. 732. Plan for flying scientific instruments on commercial flights.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

- Sec. 800. Amendment of 1986 Code.
 Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
 Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
 Sec. 803. Modification of excise tax on kerosene used in aviation.
 Sec. 804. Air traffic control system modernization account.
 Sec. 805. Treatment of fractional aircraft ownership programs.
 Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
 Sec. 807. Transparency in passenger tax disclosures.

TITLE IX—BUDGETARY EFFECTS

- Sec. 901. Budgetary effects.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

- Sec. 1001. Definition.
 Sec. 1002. Rescission.
 Sec. 1003. Agency wide identification and reports.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

- “(A) \$9,336,000,000 for fiscal year 2010; and
 “(B) \$9,620,000,000 for fiscal year 2011.”.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

- “(1) \$3,500,000,000 for fiscal year 2010, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and
 “(2) \$3,600,000,000 for fiscal year 2011, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.”.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

- (1) by striking subsection (a) and inserting the following:

“(a) *IN GENERAL.*—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

- “(1) \$200,000,000 for fiscal year 2010.
 “(2) \$206,000,000 for fiscal year 2011.”;
 (2) by striking subsections (c) through (h); and
 (3) by adding at the end the following:

“(c) *RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.*—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

“(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

“(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

“(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

“(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.”.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$4,000,000,000 for fiscal year 2010; and
 “(2) \$4,100,000,000 for fiscal year 2011.”.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

- (1) by striking “2007” in subsection (a)(1)(A) and inserting “2011”;
 (2) by striking “2007,” in subsection (a)(2) and inserting “2011,”; and
 (3) by striking “2007” in subsection (c)(2) and inserting “2011”.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

- (1) by striking “and” after the semicolon in paragraph (3);
 (2) by striking “defense.” in paragraph (4) and inserting “defense; and”; and
 (3) by adding at the end thereof the following:
 “(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.”.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) *IN GENERAL.*—Section 48105 is amended to read as follows:

“**§48105. Airport programs administrative expenses**

“Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (in-

cluding airport technology research), to remain available until expended—

“(1) for fiscal year 2010, \$94,000,000; and

“(2) for fiscal year 2011, \$98,000,000.”.

(b) *CONFORMING AMENDMENT.*—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses”.

(c) *PASSENGER ENPLANEMENT REPORT.*—

(1) *IN GENERAL.*—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) *REPORT OBJECTIVES.*—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) *REVIEW.*—The Inspector General of the Department of Transportation shall review the process of the Administrator in developing the report under paragraph (1).

(4) *REPORT.*—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) *PASSENGER FACILITY CHARGE STREAMLINING.*—Section 40117(c) is amended to read as follows:

“(c) *PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.*—

“(1) *IN GENERAL.*—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

“(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

“(B) the total amount of program revenue collected by the agency during the period covered by the report;

“(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

“(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

“(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

“(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

“(G) any other information on the program that the Secretary may require.

“(2) *IMPLEMENTATION.*—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

“(3) *CONSULTATION WITH CARRIERS FOR NEW PROJECTS.*—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year

shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

“(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

“(ii) that the notice include a full description and justification for a proposed project;

“(iii) that the notice include a detailed financial plan for the proposed project; and

“(iv) that the notice include the proposed level for the passenger facility charge.

“(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term ‘significant business interest’ means an air carrier or foreign air carrier that—

“(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

“(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

“(iii) provides scheduled service at the airport.

“(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

“(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

“(4) PUBLIC NOTICE AND COMMENT.—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

“(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

“(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

“(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency’s Internet website; and

“(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

“(5) OBJECTIONS.—

“(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

“(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

“(C) Not later than 90 days after receiving the eligible agency’s response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect

the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

“(i) the project is not an eligible airport related project;

“(ii) the eligible agency has not complied with the requirements of this section or the Secretary’s implementing regulations in proposing the project;

“(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

“(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

“(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

“(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

“(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

“(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

“(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

“(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

“(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking “FEE” in the heading for paragraph (5) and inserting “CHARGE”; and

(ii) by striking “fee” each place it appears in paragraphs (5) and (6) and inserting “charge”.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking “fee” or “fees” each place either appears and inserting “charge” or “charges”, respectively; and

(ii) by striking “FEE” in the subsection caption for subsection (l), and “FEES” in the subsection captions for subsections (e) and (m), and inserting “CHARGE” and “CHARGES”, respectively.

(C) The caption for section 40117 is amended to read as follows:

“§40117. Passenger facility charges”.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

“40117. Passenger facility charges”.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking “subsection (c) of this section to finance a specific” and inserting “subsection (c)(6) of this section to finance an intermodal ground access”;

(B) by striking “specific” in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

“(2) the project is an eligible airport-related project; and”;

(D) by striking “each of the specific projects; and” in paragraph (3) and inserting “the project.”; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: “(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.”.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking “long-term”.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) The Secretary may, on complaint of an interested person or on the Secretary’s own initiative, conduct an investigation into an eligible agency’s collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.”.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking “(c)(2)” in paragraph (2) and inserting “(c)(3)”; and

(B) by striking “October 1, 2009.” in paragraph (7) and inserting “the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.”.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking “sponsor” the second place it appears in the first sentence and all that follows and inserting “sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.”.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

“(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

“(2) COLLECTION REQUIREMENTS.—

“(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

“(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

“(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

“(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible airport participating in the pilot program.”.

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCs.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking “made;” in subsection (a)(16)(D)(ii) and inserting “made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;”;

(2) by striking “purpose;” in subsection (c)(2)(A)(i) and inserting “purpose, which includes serving as noise buffer land;”;

(3) by striking “paid to the Secretary for deposit in the Fund if another eligible project does not exist.” in subsection (c)(2)(B)(iii) and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes;”;

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

“(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

“(i) reinvestment in an approved noise compatibility project;

“(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

“(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

“(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

“(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).”.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking “subsection (b) or subsection (c)” in subsection (a) and inserting “subsection (b), (c), or (e)”;

(2) by adding at the end the following:

“(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.”.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking “year 2004.” and inserting “years 2010 and 2011.”.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

“(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

“(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

“(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

“(3) the Secretary determines that the change is beyond the control of the airport sponsor.”;

(2) by striking “facilities, including fuel farms and hangars,” in subsection (h) and inserting “facilities, as defined by section 47102;”;

(3) by adding at the end the following:

“(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made.”.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting “(1)” before “Subsection”;

(3) by adding at the end thereof the following:

“(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

“(A) the sale is approved by the Secretary;

“(B) funding is provided under this title for the public sponsor's acquisition; and

“(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

“(3) This subsection shall apply to grants issued on or after October 1, 1996.”.

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY CHARGES TO CONSTRUCT BICYCLE STORAGE FACILITIES.

Section 40117(a)(3) is amended—

(1) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii);

(2) by striking “The term” and inserting the following:

“(A) IN GENERAL.—The term”;

(3) by adding at the end the following:

“(B) BICYCLE STORAGE FACILITIES.—A project to construct a bicycle storage facility may not be considered an eligible airport-related project.”.

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking “each airport to—” in subsection (a) and inserting “the airport system to—”;

(2) by striking “system in the particular area;” in subsection (a)(1) and inserting “system, including connection to the surface transportation network; and”;

(3) by striking “aeronautics; and” in subsection (a)(2) and inserting “aeronautics.”;

(4) by striking subsection (a)(3);

(5) by inserting “and” after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking “operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,” in subsection (b)(2), as redesignated, and inserting “operations”; and

(8) by striking “status of the” in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking “separated from” in paragraph (1)(B) and inserting “discharged or released from active duty in”;

(2) by adding at the end of paragraph (1) the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.”;

(3) by striking “veterans and” in paragraph (2) and inserting “veterans, Afghanistan-Iraq war veterans, and”;

(4) by adding at the end the following:

“(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.”.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”;

(2) by striking paragraphs (1) through (4) and inserting the following:

“(1) a summary of airport development and planning completed;

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated; and

“(4) the allocation of appropriations; and”.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking “47102(3)(F),” in subsection (a);

(2) by striking “47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140” in subsection (b) and inserting “47102(3)(K) or 47102(3)(L)”;

(3) by striking “40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140,” in subsection (b) and inserting “40117(a)(3)(G), 47102(3)(K), or 47102(3)(L),”;

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking “(other than real property that is subject to

section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)."

(g) **AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.**—Section 47175 is amended—

(1) by striking "Airport Capacity Benchmark Report 2001." in paragraph (2) and inserting "2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report."; and

(2) by adding at the end thereof the following: "(7) **JOINT USE AIRPORT.**—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield."

(h) **USE OF APPORTIONED AMOUNTS.**—Section 47117(e)(1)(A) is amended—

(1) by striking "35 percent" in the first sentence and inserting "\$300,000,000";

(2) by striking "and" after "47141";

(3) by striking "et seq." and inserting "et seq.", and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title."; and

(4) by striking "such 35 percent requirement is" in the second sentence and inserting "the requirements of the preceding sentence are."

(i) **USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.**—Section 47114(c)(1) is amended—

(1) by striking "and" after the semicolon in subparagraph (E)(ii);

(2) by striking "airport." in subparagraph (E)(iii) and inserting "airport; and";

(3) by adding at the end of subparagraph (E) the following:

"(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.";

(4) in subparagraph (G)—

(A) by striking "FISCAL YEAR 2006" in the heading and inserting "FISCAL YEARS 2008 THROUGH 2011";

(B) by striking "fiscal year 2006" and inserting "fiscal years 2008 through 2011";

(C) by striking clause (i) and inserting the following:

"(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year"; and

(D) by striking "2000 or 2001;" in clause (ii) and inserting "2003"; and

(5) by adding at the end thereof the following:

"(H) **SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.**—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.";

(j) **MOBILE REFUELER PARKING CONSTRUCTION.**—Section 47102(3) is amended by adding at the end the following:

"(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.";

(k) **DISCRETIONARY FUND.**—Section 47115(g)(1) is amended by striking "of—" and all that fol-

lows and inserting "of \$520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.";

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking "regulations" each place it appears in subsection (a) and inserting "guidance";

(2) by striking "grant;" in subsection (b)(4) and inserting "grant, including Federal environmental requirements or an agreed upon equivalent";

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) **PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.**—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements."; and

(4) by adding at the end the following:

"(e) **PILOT PROGRAM.**—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a)."

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking "project." and inserting "project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.";

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

"(e) **GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.**—

"(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b)."

"(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.";

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "delays." in paragraph (2) and inserting "delays; or"; and

(3) by adding at the end the following:

"(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.";

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) **PILOT PROGRAM.**—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

"§47143. **Environmental mitigation demonstration pilot program**

"(a) **IN GENERAL.**—The Secretary of Transportation shall carry out a pilot program involving

not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

"(b) **PARTICIPATION IN PILOT PROGRAM.**—A public-use airport shall be eligible for participation in the pilot.

"(c) **SELECTION CRITERIA.**—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

"(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

"(2) will be implemented by an eligible consortium.

"(d) **FEDERAL SHARE.**—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

"(e) **MAXIMUM AMOUNT.**—Not more than \$2,500,000 may be made available by the Secretary in grants under this section for any single project.

"(f) **IDENTIFYING BEST PRACTICES.**—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

"(g) **DEFINITIONS.**—In this section:

"(1) **ELIGIBLE CONSORTIUM.**—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

"(A) Businesses operating in the United States.

"(B) Public or private educational or research organizations located in the United States.

"(C) Entities of State or local governments in the United States.

"(D) Federal laboratories.

"(2) **ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.**—The term 'environmental mitigation demonstration project' means a project that—

"(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

"(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

"(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

"(i) practical to implement at or near multiple public use airports; and

"(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.";

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

"47143. Environmental mitigation demonstration pilot program".

SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) is amended—

(1) by striking "or" in paragraph (1) and inserting a semicolon;

(2) by striking "project." in paragraph (2) and inserting "project; or"; and

(3) by adding at the end the following:
“(3) necessarily incurred in anticipation of severe weather.”.

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting “including acquiring glycol recovery vehicles,” after “aircraft.”.

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—
(1) by striking “and” after the semicolon in paragraph (6);

(2) by striking “aircraft.” in paragraph (7) and inserting “aircraft; and”; and

(3) by adding at the end thereof the following:
“(8) to conduct research to support programs designed to reduce gases and particulates emitted.”.

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—
(1) by inserting “AND ANY UNITED STATES TERRITORY” after “ALASKA” in the subsection heading; and

(2) by adding at the end thereof the following:

“(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.”.

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 219. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking “one” and inserting “three” in its place.

SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator;
(2) 5 member organizations representing aviation interests including:

(A) an organization representing airport operators;

(B) an organization representing airport employees;

(C) an organization representing air carriers;

(D) an organization representing airport development and operations experts;

(E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include:

(A) at least one from each of the FAA Regions;

(B) at least 1 large hub;

(C) at least 1 medium hub;

(D) at least 1 small hub;

(E) at least 1 non hub;

(F) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings;

(4) examine and submit recommendations for the industry's next steps with regard to sustainability.

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operations of airports.

(h) No funds may be authorized to carry out this provision.

SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking “; and” and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.”.

SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) REPORT CONTENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:
“(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

“(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

“(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

“(A) the Administrator and a representative from the Department of Defense;

“(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

“(C) 6 members representing aviation interests, as follows:

“(i) 1 representative that is the chief executive officer of an airport.

“(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

“(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

“(iv) 1 representative with extensive operational experience in the general aviation community.

“(v) 1 representative from an aircraft manufacturer.

“(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

“(3) APPOINTMENT AND QUALIFICATIONS.—

“(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

“(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

“(i) management of large service organizations;

“(ii) customer service;

“(iii) management of large procurements;

“(iv) information and communications technology;

“(v) organizational development; and

“(vi) labor relations.

“(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

“(i) 2 shall be appointed for terms of 1 year;

“(ii) 1 shall be appointed for a term of 2 years;

“(iii) 1 shall be appointed for a term of 3 years; and

“(iv) 1 shall be appointed for a term of 4 years.

“(4) FUNCTIONS.—

“(A) IN GENERAL.—The Board shall—

“(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

“(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

“(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

“(iv) approve procurements of air traffic control equipment in excess of \$100,000,000;

“(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

“(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

“(vii) annually review and make recommendations on the NextGen Implementation Plan;

“(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

“(ix) approve the selection of the head of the Joint Planning and Development Office.

“(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

“(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the

Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

“(6) ADMINISTRATIVE MATTERS.—

“(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

“(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

“(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

“(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

“(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

“(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

“(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

“(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

“(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

“(II) to affect any other right or remedy against the United States under applicable law; or

“(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

“(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

“(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

“(ii) does not engage in another business related to aviation or aeronautics; and

“(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

“(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

“(I) COMPENSATION.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter 1 of chapter 81 of title 5 and except as provided under subparagraph (J).

“(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such

information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

“(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

“(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term ‘air traffic control system’ has the meaning given that term in section 40102(a).”

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

“(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

“(A) promote the safety of life and property;

“(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

“(C) encourage competition and provide services to the largest feasible number of users; and

“(D) take into account the unique role served by general aviation.”

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking “without” in the last sentence and inserting “with or without”.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting “and” after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting “(whether public or private)” in paragraph (1) after “authorities”;

(2) by striking “safety.” in paragraph (1) and inserting “safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.”; and

(3) by striking “appropriation from which expenses were incurred in providing such services.” in paragraph (3) and inserting “appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.”.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (G);

(2) by striking “Board.” in subparagraph (H) and inserting “Board, and”; and

(3) by inserting at the end the following new subparagraph:

“(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

“(i) for purposes of applying such provisions to the personnel management system—

“(I) the term ‘agency’ means the Department of Transportation; and

“(II) the term ‘senior executive’ means a Federal Aviation Administration executive; and

“(III) the term ‘career appointee’ means a Federal Aviation Administration career executive; and

“(IV) the term ‘senior career employee’ means a Federal Aviation Administration career senior professional; and

“(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

“(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.”.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) **FAA CRITERIA FOR FACILITIES REALIGNMENT.**—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator’s recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) **REALIGNMENT RECOMMENDATIONS.**—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) **STUDY BY BOARD.**—The Air Traffic Control Modernization Oversight Board established by

section 106(p) of title 49, United States Code, shall study the Administrator’s recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) REVIEW AND RECOMMENDATIONS.—

(1) Based on its review and analysis of the Administrator’s recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board’s recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) **REALIGNMENT DEFINED.**—In this section, the term “realignment”—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombinig, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) **IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.**—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting “strategic and cross-agency” after “manage” in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) “The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.”;

(3) by inserting “(A)” after “(3)” in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

“(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

“(i) carrying out the Department or agency’s Next Generation Air Transportation System implementation activities with the Office; and

“(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

“(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

“(C) The head of any such Department or agency shall ensure that—

“(i) the Department’s or agency’s Next Generation Air Transportation System responsibil-

ities are clearly communicated to the designated office; and

“(ii) the performance of supervisory personnel in that office in carrying out the Department’s or agency’s Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

“(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

“(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

“(II) the budgetary and staff resources committed to the project.

“(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency’s budget request.”;

(5) by striking “beyond those currently included in the Federal Aviation Administration’s operational evolution plan” in subsection (b);

(6) by striking “research and development roadmap” in subsection (b)(3) and inserting “implementation plan”;

(7) by striking “and” after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

“(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and”;

(9) by inserting “and key technologies” after “concepts” in subsection (b)(4);

(10) by striking “users” in subsection (b)(4) and inserting “users, an implementation plan.”;

(11) by adding at the end of subsection (b) the following:

“Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.”; and

(12) by striking “2010.” in subsection (e) and inserting “2011.”.

(b) **SENIOR POLICY COMMITTEE MEETINGS.**—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking “Secretary.” and inserting “Secretary and shall meet at least once each quarter.”.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) runway lighting and airport surface visual and other navigation aids;”;

(2) by striking “weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and” in subparagraph (C) and inserting “aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications.”;

(3) by striking “another structure” in subparagraph (D) and inserting “any structure, equipment.”;

(4) by striking “aircraft.” in subparagraph (D) and inserting “aircraft; and”;

(5) by adding at the end the following:

“(E) buildings, equipment, and systems dedicated to the National Airspace System.”.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking “compensation; and” and inserting “compensation, and the amount received may be credited

to the appropriation current when the amount is received; and”.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

“(2) DISPUTE RESOLUTION.—

“(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

“(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

“(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

“(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.”.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.

(D) COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.

(E) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—

(1) IN GENERAL.—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports before January 1, 2015;

(B) 50 percent of the procedures at such other airports before January 1, 2016;

(C) 75 percent of the procedures at such other airports before January 1, 2017; and

(D) 100 percent of the procedures before January 1, 2018.

(c) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator deter-

mines that extraordinary circumstances exist with respect to the procedure.

(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS-B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS-B DEVELOPMENT AND IMPLEMENTATION.

(a) IN GENERAL.—

(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS-B ground station installation goals;

(B) a transition plan for ADS-B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS-B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users, small and medium-sized airports, and general aviation users from deployment of ADS-B and provide an explanation of the metrics used to quantify those benefits.

(b) RULEMAKINGS.—

(1) ADS-B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA-2007-29305; Notice No. 07-15; 72 FR 56947) to issue guidelines and regulations for ADS-B Out technology that—

(i) identify the ADS-B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS-B Out technology not addressed in the initial rulemaking.

(2) ADS-B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS-B In technology that—

(A) identify the ADS-B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS-B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS-B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS-B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

(d) CONDITIONAL EXTENSION OF DEADLINES FOR EQUIPPING AIRCRAFT WITH ADS-B TECHNOLOGY.—

(1) ADS-B OUT.—In the case that the Administrator fails to complete the initial rulemaking described in subparagraph (A) of subsection (b)(1) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in clause (ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) ADS-B IN.—In the case that the Administrator fails to initiate the rulemaking required by paragraph (2) of subsection (b) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to

the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rulemaking.

SEC. 316. EQUIPAGE INCENTIVES.

(a) IN GENERAL.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS-B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

(6) time between pushing back from the gate and taking off;

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs; and

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) PUBLICATION.—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical

requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes; and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;

(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.

(a) IN GENERAL.—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 322. STAKEHOLDER COORDINATION.

(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the “FAA Task Force on Air Traffic Control Facility Conditions”.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, “sick building syndrome,” and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees’ ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of mem-

bers to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 324. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS-B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary \$25,000,000 for each of fiscal years 2010 through 2014.

(c) FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B and related avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn

interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) **STAFFING ANALYSES AND REPORTS.**—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress, the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) **SUBSEQUENT REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

SEC. 327. DEFINITIONS.

In this title:

(1) **ADMINISTRATION.**—The term “Administration” means the Federal Aviation Administration.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) **NEXTGEN.**—The term “NextGen” means the Next Generation Air Transportation System.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) **FUNDING INSTRUMENT.**—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) **IN GENERAL.**—Chapter 417 is amended by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“§41781. Air carrier and airport contingency plans for long on-board tarmac delays

“(a) **DEFINITION OF TARMAC DELAY.**—The term ‘tarmac delay’ means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

“(b) **SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.**—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

“(c) **MINIMUM STANDARDS.**—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

“(d) **AIR CARRIER PLANS.**—The plan shall require each air carrier to implement at a minimum the following:

“(1) **PROVISION OF ESSENTIAL SERVICES.**—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

“(A) adequate food and potable water;

“(B) adequate restroom facilities;

“(C) cabin ventilation and comfortable cabin temperatures; and

“(D) access to necessary medical treatment.

“(2) **RIGHT TO DEPLANE.**—

“(A) **IN GENERAL.**—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

“(B) **DELAYS.**—

“(i) **IN GENERAL.**—As part of the plan, except as provided under clause (iii), an air carrier

shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

“(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

“(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

“(ii) **FREQUENCY.**—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

“(iii) **EXCEPTIONS.**—This subparagraph shall not apply if—

“(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

“(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

“(C) **APPLICATION TO DIVERTED FLIGHTS.**—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

“(D) **REPORTS.**—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

“(e) **AIRPORT PLANS.**—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

“(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

“(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

“(f) **UPDATES.**—The Secretary shall require periodic reviews and updates of the plans as necessary.

“(g) **APPROVAL.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

“(A) review the initial contingency plans submitted under subsection (b); and

“(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

“(2) **UPDATES.**—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

“(A) review the plan; and

“(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

“(h) **CIVIL PENALTIES.**—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

“(i) **PUBLIC ACCESS.**—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

“(1) including the plan on the Internet Web site of the carrier or airport; or

“(2) disseminating the plan by other means, as determined by the Secretary.

“§41782. Air passenger complaints hotline and information

“(a) **AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.**—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

“(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).”

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“41781. Air carrier and airport contingency plans for long on-board tarmac delays

“41782. Air passenger complaints hotline and information”.

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

“(f) CHRONICALLY DELAYED FLIGHTS.—

“(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

“(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

“(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

“(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

“(A) The on-time performance for the flight if the flight is a chronically delayed flight.

“(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

“(3) DEFINITIONS.—In this subsection:

“(A) CHRONICALLY DELAYED FLIGHT.—The term ‘chronically delayed flight’ means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

“(B) CHRONICALLY CANCELED FLIGHT.—The term ‘chronically canceled flight’ means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

(1) checked baggage or oversized or heavy baggage;

(2) meals, beverages, or other refreshments;

(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;

(4) purchasing tickets from an airline ticket agent or a travel agency; or

(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

“(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) IN GENERAL.—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—Section 41712, as amended by this Act, is further amended by adding at the end the following:

“(d) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

“(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

“(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

“(2) TAXES AND FEES DESCRIBED.—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

“(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

“(B) any fees for baggage, seating assignments; and

“(C) operational services that are charged when the ticket is purchased.”.

(c) **REGULATIONS.**—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

**SUBTITLE B—ESSENTIAL AIR SERVICE;
SMALL COMMUNITIES**

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking “may” and inserting “shall”.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2010.” and inserting “September 30, 2013.”.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—
(1) by striking “and” after the semicolon in subparagraph (B);
(2) by striking “provided,” in subparagraph (C) and inserting “provided;”; and
(3) by adding at the end the following:
“(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

“(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.”.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) **IN GENERAL.**—Section 41745 is amended to read as follows:

“§41745. Conversion of lost eligibility airports

“(a) **IN GENERAL.**—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

“(b) **GRANTS.**—A grant under this section—

“(1) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceeding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

“(2) may be used—

“(A) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

“(B) to defray operating expenses, if such use is approved by the Secretary; or

“(C) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

“(c) **AIP REQUIREMENTS.**—An airport sponsor that uses funds provided under this section for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this section.

“(d) **LIMITATION.**—The sponsor of an airport receiving funding under this section is not eligible for funding under section 41736.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 417 is amended by striking the item relating to section 41745 and inserting the following:

“41745. Conversion of lost eligibility airports.”.

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) “Any amount in excess of \$50,000,000 credited

for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.”; and

(2) by striking “\$77,000,000” in paragraph (2) and inserting “\$150,000,000”.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) **PRIORITIES.**—Section 41743(c)(5) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “fashion.” in subparagraph (E) and inserting “fashion; and”; and

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a region or multistate application to improve air service.”.

(b) **EXTENSION OF AUTHORIZATION.**—Section 41743(e)(2) is amended—

(1) by striking “is appropriated” and inserting “are appropriated”; and

(2) by striking “2009” and inserting “2011”.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) **COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.**—

(1) **IN GENERAL.**—Subchapter II of chapter 417 is amended by adding at the end the following:

“§41749. Essential air service for eligible places above per passenger subsidy cap

“(a) **PROPOSALS.**—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

“(b) **PLACE DESCRIBED.**—A place described in this subsection is a place—

“(1) that is otherwise an eligible place; and

“(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

“(c) **DECISIONS.**—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

“(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the per passenger subsidy; and

“(B) the dollar amount allowable for such subsidy under this subchapter.

“(d) **COMPENSATION PAYMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) **DURATION OF PAYMENTS.**—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

“(e) **REVIEW.**—

“(1) **IN GENERAL.**—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) **CONSULTATION.**—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) **ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.**—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;

“(2) the affected community; and

“(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”.

(2) **CLERICAL AMENDMENT.**—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

“41749. Essential air service for eligible places above per passenger subsidy cap”.

(b) **PREFERRED ESSENTIAL AIR SERVICE.**—

(1) **IN GENERAL.**—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

“§41750. Preferred essential air service

“(a) **PROPOSALS.**—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

“(b) **PREFERRED AIR CARRIER DESCRIBED.**—A preferred air carrier described in this subsection is an air carrier that—

“(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

“(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

“(c) **DECISIONS.**—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—
“(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

“(d) **COMPENSATION PAYMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) **DURATION OF PAYMENTS.**—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

“(e) **REVIEW.**—

“(1) **IN GENERAL.**—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) **CONSULTATION.**—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) **ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.**—A preferred air carrier providing air transportation to an eligible place

under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;
 “(2) the affected community; and
 “(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item: “41750. Preferred essential air service”.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following:

“(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—

“(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

“(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).”

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking “2009” and inserting “2011”.

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

“(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.”

SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title 49 shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—
 (1) by striking the section heading and inserting the following:

“**§47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees**”

(2) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d);

(3) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d)(2);

(4) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”;

(5) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”;

(6) by striking “air carriers” and inserting “air carriers or foreign air carriers”; and

(7) by striking “(as defined in section 40102 of this title)” in subsection (a) and inserting “(as those terms are defined in section 40102 of this title)”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

“47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees”.

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following:

“(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

“(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.”

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking “benefit.” and inserting “benefit, with the maximum allowable local cost share for FAA Part 139 certified airports capped at 20 percent for those airports with fewer than 50,000 annual passenger enplanements.”

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking “and” after “2006,”; and

(2) by striking “2007” and inserting “2007, \$9,500,000 for fiscal year 2010, and \$10,000,000 for fiscal year 2011” after “2007,”; and

(3) by inserting after “paragraph.” the following: “If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.”

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking “\$1,500,000.” and inserting “\$2,000,000.”

(e) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

“(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for

safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration’s safety management system.”

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB day-night average noise level (DNL), as identified in the Noise Exposure Map Notice published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) LIMITATION.—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

“(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this

subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking “section 44709 or” and inserting “section 44703(d), 44709, or”.

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

“(5) RELEASE OF DATA.—

“(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency’s possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 years;

“(ii) the owner of record, or the owner of record’s heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

“(iii) the designation of such data as public data will enhance aviation safety.

“(B) In this section, the term ‘engineering data’ means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.”.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking “Beginning 7 years after the date of enactment of this subsection,” in paragraph (1) and inserting “Effective January 1, 2013,”;

(2) by striking “testing” in paragraph (2) and inserting “production”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.”.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

“§40130. FAA access to criminal history records or databases systems

“(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

“(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

“(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

“(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commissioned under the laws of that State has access and in the same manner as such police officer; or

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term ‘system of documented criminal justice information’ means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

“40130. FAA access to criminal history records or databases systems”.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rule-making under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration’s June 2008 symposium entitled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the

date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) **EXCEPTION.**—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) **IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.**—

(1) **INITIATION.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) **COMPLETION.**—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) **COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.**—

(1) **INITIATION.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) **COMPLETION.**—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) **IMPROVING SITUATIONAL AWARENESS.**—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) **IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the cer-

tificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) **REPORT TO CONGRESS.**—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) **IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.**—

(1) **STUDY.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) **RULEMAKING.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) **IN GENERAL.**—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) **MINIMUM LANGUAGE SKILLS.**—

“(1) **IN GENERAL.**—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

“(A) read material written in English and comprehend the information;

“(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

“(C) write incident reports and statements and log entries and statements; and

“(D) carry out written and oral instructions regarding the proper performance of their duties.

“(2) **FOREIGN FLIGHTS.**—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.”.

(b) **ADMINISTRATION.**—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the

completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) **POLICY STATEMENT.**—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) **IN GENERAL.**—

(1) **ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.**—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) **USE OF THIRD PARTIES.**—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) **DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.**—

(1) **REVIEW.**—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) **ASSESSMENTS.**—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) **REPORT.**—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA-2008-0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) **GAO STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Process.

(2) **REVIEW.**—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller

General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) **IN GENERAL.**—Section 4711 is amended by adding at the end the following:

“(d) **POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.**—

“(1) **PROHIBITION.**—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) **WRITTEN AND ORAL COMMUNICATIONS.**—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.”

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) **LIMITATION.**—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) **INSPECTOR GENERAL REPORTS.**—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) **REVIEW.**—Within 1 year after the date of enactment of this Act, the Administrator of the

Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) **FACILITY TRAINING PROGRAM.**—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) **PLAN.**—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) **PROCESS.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

“(s) **AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.**—

“(1) **ESTABLISHMENT.**—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

“(2) **DIRECTOR.**—

“(A) **APPOINTMENT.**—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) **QUALIFICATIONS.**—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(C) **TERM.**—The Director shall be appointed for a term of 5 years.

“(D) **VACANCY.**—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

“(3) **COMPLAINTS AND INVESTIGATIONS.**—

“(A) **AUTHORITY OF DIRECTOR.**—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of

an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

“(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

“(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

“(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

“(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

“(D) summaries of the responses of the Administrator to such recommendations.”.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as “customers”;

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have

the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator’s responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44730. Inspection of foreign repair stations

“(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

“(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

“(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

“(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

“(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

“(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration’s oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

“(1) describe in detail any improvements in the Federal Aviation Administration’s ability to identify and track where part 121 air carrier repair work is performed;

“(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

“(3) describe the training provided to inspectors; and

“(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

“(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

“(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

“(e) BIENNIAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

“(f) DEFINITIONS.—In this section:

“(1) PART 121 AIR CARRIER.—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(2) PART 145 REPAIR STATION.—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

“44730. Inspection of foreign repair stations”.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) DEFINITIONS.—In this section:

(1) COVERED MAINTENANCE WORK.—The term “covered maintenance work” means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term “part 121 air carrier” has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) PART 145 REPAIR STATION.—The term “part 145 repair station” has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) is amended by adding at the end the following:

“(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(i) FAA PILOT RECORDS DATABASE.—

“(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

“(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the ‘database’) containing the following records:

“(A) FAA RECORDS.—From the Administrator—

“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

“(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

“(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

“(III) any release from employment or resignation, termination, or disqualification with respect to employment.

“(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

“(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

“(4) REPORTING.—

“(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

“(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

“(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

“(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

“(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

“(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

“(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual's records from the database after that date.

“(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) PRIVACY PROTECTIONS.—

“(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

“(B) DISCLOSURE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to—

“(I) de-identified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

“(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government

or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

“(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

“(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”;

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”; and

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection

(h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration’s advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120–66 and AC No. 120–82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA’s safety enforcement plan is consistently enforced; and

(2) ensure that the FAA’s safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

“(3) CONTENTS.—

“(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA’s safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality

of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) **PROTECTIVE ORDER.**—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) **SEALED INFORMATION.**—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) **SAFETY RECOMMENDATIONS.**—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) **WAIVER.**—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) **TRAINING AND TESTING.**—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) **BEST PRACTICES.**—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) **CERTIFICATION.**—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) **REMEDIATION TRAINING PROGRAMS.**—

(1) **IN GENERAL.**—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) **DEADLINES.**—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) **STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.**—

(1) **MULTIDISCIPLINARY PANEL.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) **REPORT TO CONGRESS.**—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) **AVIATION RULEMAKING COMMITTEE.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flightcrew member professional development.

(2) **COMPLIANCE WITH STERILE COCKPIT RULE.**—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) **STREAMLINED PROGRAM REVIEW.**—

(A) **IN GENERAL.**—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) **EXPEDITED APPROVALS.**—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) **REQUIREMENTS.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) **MINIMUM EXPERIENCE REQUIREMENT.**—

(1) **IN GENERAL.**—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot—

(A) have not less than 800 hours of flight time before serving as a flightcrew member for a part 121 air carrier; and

(B) demonstrate the ability to—

(i) function effectively in a multi-pilot environment;

(ii) function effectively in an air carrier operational environment;

(iii) function effectively in adverse weather conditions, including icing conditions if the pilot is expected to be operating aircraft in icing conditions;

(iv) function effectively during high altitude operations; and

(v) adhere to the highest professional standards.

(2) **HOURS OF FLIGHT EXPERIENCE IN DIFFICULT OPERATIONAL CONDITIONS.**—The total number of hours of flight experience required by the Administrator under paragraph (1) for pilots shall include a number of hours of flight experience in difficult operational conditions that may be encountered by an air carrier that the Administrator determines to be sufficient to enable a pilot to operate an aircraft safely in such conditions.

(c) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) **DEFAULT REQUIREMENTS.**—If the Administrator fails to meet the deadline established by subsection (c)(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) **DEFINITIONS.**—In this section:

(1) **FLIGHTCREW MEMBER.**—The term "flightcrew member" has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1).

(2) **PART 121 AIR CARRIER.**—The term "part 121 air carrier" has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) **IN GENERAL.**—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

"§ 44731. Use of certain devices on flight deck

"(a) **IN GENERAL.**—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

"(b) **EXCEPTIONS.**—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with

procedures established by the air carrier or the Federal Aviation Administration.

“(c) **ENFORCEMENT.**—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

“(d) **PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.**—The term ‘personal wireless communications device’ means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.”.

(b) **PENALTY.**—Section 44711(a) is amended—
(1) by striking “or” after the semicolon in paragraph (8);

(2) by striking “title,” in paragraph (9) and inserting “title; or”;

(3) by adding at the end the following:
“(10) violate section 44730 of this title or any regulation issued thereunder.”.

(c) **CONFORMING AMENDMENT.**—The table of contents for chapter 447 is amended by adding at the end thereof the following:

“44731. Use of certain devices on flight deck”.

(d) **REGULATIONS.**—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

(e) **STUDY.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the cockpit flight crew on commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations about ways to reduce distractions for cockpit flight crews.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) **EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) **ASSESSMENT AND RECOMMENDATIONS.**—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air carriers and flightcrew members of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) **GAO STUDY.**—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) **IN GENERAL.**—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

“§44732. Training of flight attendants and gate agents

“(a) **TRAINING REQUIRED.**—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

“(1) serving alcohol to passengers;

“(2) recognizing intoxicated passengers; and

“(3) dealing with disruptive passengers.

“(b) **SITUATIONAL TRAINING.**—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

“(c) **DEFINITIONS.**—In this section:

“(1) **AIR CARRIER.**—The term ‘air carrier’ means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

“(2) **FLIGHT ATTENDANT.**—The term ‘flight attendant’ has the meaning given the term in section 44728(f).

“(3) **GATE AGENT.**—The term ‘gate agent’ means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

“(4) **PASSENGER.**—The term ‘passenger’ means an individual traveling on a commercial air-

craft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for chapter 447 is amended by adding at the end the following:

“44732. Training of flight attendants and gate agents”.

(c) **RULEMAKING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) **AVIATION SAFETY ACTION PROGRAM.**—The term “Aviation Safety Action Program” means the program described under Federal Aviation Administration Advisory Circular No. 120-66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator.

(3) **AIR CARRIER.**—The term “air carrier” has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) **FAA.**—The term “FAA” means the Federal Aviation Administration.

(5) **FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.**—The term “Flight Operational Quality Assurance Program” means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) **LINE OPERATIONS SAFETY AUDIT PROGRAM.**—The term “Line Operations Safety Audit Program” has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120-90.

(7) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight; and

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit.

(b) **AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.**—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

TITLE VI—AVIATION RESEARCH**SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking “establish a 4-year pilot” in paragraph (1) and inserting “maintain an”; and

(2) by inserting “pilot” in paragraph (4) before “program” the first time it appears; and

(3) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program.” in paragraph (4) and inserting “program.”.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than \$15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than \$5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and Space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdB) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the “Advisory Committee on the Future of Aeronautics”.

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organi-

zational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109-155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109-155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting “unmanned and manned” in subsection (a) after “improve”;

(B) by striking “and” after the semicolon in subsection (b)(7);

(C) by striking “emitted.” in subsection (b)(8) and inserting “emitted; and”; and

(D) by adding at the end of subsection (b) the following:

“(9) in conjunction with other Federal agencies as appropriate, to develop technologies and

methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.”.

(2) **HUMAN FACTORS; SIMULATIONS.**—Section 44505(b) is amended—

(A) by striking “and” after the semicolon in paragraph (4);

(B) by striking “programs.” in paragraph (5)(C) and inserting “programs; and”; and

(C) by adding at the end thereof the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

“(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.”.

(b) **NATIONAL ACADEMY OF SCIENCES ASSESSMENT.**—

(1) **IN GENERAL.**—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) “detect, sense and avoid technologies” with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) **REPORT.**—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) **PILOT PROJECTS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91-57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 un-

manned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) **USE OF CONSORTIA.**—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) **REPORT.**—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator’s findings and conclusions concerning the projects.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) **UNMANNED AIRCRAFT SYSTEMS ROADMAP.**—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration’s website a 5-year “roadmap” for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the “roadmap” annually.

(e) **UPDATED POLICY STATEMENT.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration’s most recent policy statement on unmanned aircraft systems, Docket No. FAA-2006-25714.

(f) **EXPANDING THE USE OF UAS IN THE ARCTIC.**—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) **DEFINITIONS.**—In this section:

(1) **ARCTIC.**—The term “Arctic” means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) **PERMANENT AREAS.**—The term “permanent areas” means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking “\$500,000 for fiscal year 2004” and inserting “\$1,000,000 for each of fiscal years 2008 through 2012”.

SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) **IN GENERAL.**—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

“§47136A. Zero emission airport vehicles and infrastructure

“(a) **IN GENERAL.**—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may

use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120-94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

“(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

“(1) **IN GENERAL.**—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

“(2) **SHORTAGE OF CANDIDATES.**—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

“(c) **SELECTION CRITERIA.**—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

“(d) **FEDERAL SHARE.**—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

“(e) **TECHNICAL ASSISTANCE.**—

“(1) **IN GENERAL.**—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

“(2) **ELIGIBLE CONSORTIUM.**—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

“(f) **MATERIALS IDENTIFYING BEST PRACTICES.**—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.”.

(b) **REPORT ON EFFECTIVENESS OF PROGRAM.**—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) **CONFORMING AMENDMENT.**—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure”.

SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

“§47140A. Reduction of emissions from airport power sources

“(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport’s energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

“(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

“47140A. Reduction of emissions from airport power sources”.

SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator’s findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator’s report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the

Next Generation air traffic control system, including the installation of navigational aides associated with that system.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller’s recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration’s public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration” means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term “critical FAA facilities” means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term “wind farm” means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning

technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VII—MISCELLANEOUS**SEC. 701. GENERAL AUTHORITY.**

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking “December 31, 2009,” and inserting “December 31, 2012.”.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking “December 31, 2013,” and inserting “October 1, 2017.”.

(c) WAR RISK.—Section 44302(f)(1) is amended—

(1) by striking “September 30, 2009,” and inserting “September 30, 2011.”; and

(2) by striking “December 31, 2009,” and inserting “December 31, 2011.”.

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking “2009,” and inserting “2011.”.

(b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “2009,” and inserting “2011.”.

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

“(b) LIMITATIONS.—

“(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor

land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

“(2) **ADJUSTMENT OF FEES.**—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

“(3) **COST DATA.**—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

“(4) **AIRCRAFT ALTITUDE.**—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

“(5) **COSTS DEFINED.**—In this subsection, the term ‘costs’ means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

“(6) **PUBLICATION; COMMENT.**—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.”

(b) **ADMINISTRATIVE PROVISION.**—Section 4530(c)(2) is amended to read as follows:

“(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 4530(a)(1) of this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and”

SEC. 707. TECHNICAL CORRECTIONS.

Section 4012(g), as amended by section 307 of this Act, is further amended—

(1) by striking “section 2302(b), relating to whistleblower protection,” in paragraph (2)(A) and inserting “sections 2301 and 2302.”;

(2) by striking “and” after the semicolon in paragraph (2)(H);

(3) by striking “Plan.” in paragraph (2)(I)(iii) and inserting “Plan.”;

(4) by adding at the end of paragraph (2) the following:

“(J) section 5596, relating to back pay; and
“(K) sections 6381 through 6387, relating to Family and Medical Leave.”;

(5) by adding at the end of paragraph (3) “Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.”

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) **REPORT.**—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) **CONTENTS.**—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) **REPORT.**—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) **AVIATION SAFETY INSPECTORS.**—

(1) **SAFETY STAFFING MODEL.**—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) **SAFETY INSPECTOR STAFFING.**—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

(d) **ALASKA FLIGHT SERVICE STATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) **SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.**—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);
(B) by striking “Director” each place it appears and inserting “Secretary of the Interior”;
(C) by striking “National Park Service” in subsection (a)(2)(B)(vi) and inserting “Department of the Interior”;

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking “, in cooperation with” and inserting “and”; and
(bb) by striking “The air tour” and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

“(B) **PROCESS AND APPROVAL.**—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

“(i) developed through a public process that complies with paragraph (4); and

“(ii) approved by the Administrator and the Director.”; and

(IV) by adding at the end the following:

“(D) **EXCEPTION.**—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.”; and

(ii) in paragraph (4)(C), by striking “National Park Service” and inserting “Department of the Interior”.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking “Director” in section 804(b) and inserting “Secretary of the Interior”;

(B) in section 805—

(i) by striking “Director of the National Park Service” in subsection (a) and inserting “Secretary of the Interior”;

(ii) by striking “Director” each place it appears and inserting “Secretary of the Interior”;

(iii) by striking “National Park Service” each place it appears in subsection (b) and inserting “Department of the Interior”;

(iv) by striking “National Park Service” in subsection (d)(2) and inserting “Department of the Interior”;

(C) in section 807—

(i) by striking “National Park Service” in subsection (a)(1) and inserting “Department of the Interior”;

(ii) by striking “Director of the National Park Service” in subsection (b) and inserting “Secretary of the Interior”.

(b) **ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.**—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

(2) by striking “lands.” in subparagraph (C) and inserting “lands; and”; and

(3) by adding at the end the following:

“(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.”

(c) **MODIFICATION OF INTERIM OPERATING AUTHORITY.**—Section 40128(c)(2)(I) is amended to read as follows:

“(I) may allow for modifications of the interim operating authority without further environmental process, if—

“(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

“(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

“(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.”

(d) **REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour operator conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) **FORMAT.**—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) **EFFECT OF FAILURE TO REPORT.**—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) **AUDIT OF REPORTS.**—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(e) **COLLECTION OF FEES FROM AIR TOUR OPERATIONS.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) **AMOUNT OF FEE.**—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) **EFFECT OF FAILURE TO PAY FEE.**—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) **FUNDING FOR AIR TOUR MANAGEMENT PLANS.**—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

(g) **GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.**—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) **OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.**—

(1) **TRANSFER OF OPERATING AUTHORITY.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) **NOTICE.**—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) **TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.**—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) **INCREASE IN INTERIM OPERATING AUTHORITY.**—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) **ENFORCEMENT OF OPERATING AUTHORITY.**—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) **IN GENERAL.**—Subchapter II of chapter 475 is amended by adding at the end the following:

“§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

“(A) **PROHIBITION.**—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) **EXCEPTION.**—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) **OPT-OUT.**—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

“(d) **LIMITATION.**—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

“(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

“(2) to scrap the aircraft;

“(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

“(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

“(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

“(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

“(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

“(e) **STATUTORY CONSTRUCTION.**—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.”

(b) **CONFORMING AMENDMENTS.**—

(1) Section 47531 is amended by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

(2) Section 47532 is amended by striking “47528–47531” and inserting “47528 through 47531 or 47534”.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) **NOISE COMPATIBILITY MEASURES.**—Section 47504(a)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “operations.” in subparagraph (E) and inserting “operations; and”; and

(3) by adding at the end the following:

“(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

(c) **GRANT REQUIREMENTS.**—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) **DEMONSTRATION GRANTS.**—

(1) **IN GENERAL.**—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) **FEDERAL SHARE.**—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) **MAXIMUM AMOUNT.**—Not more than \$5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) **EXCEPTION.**—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) **USE OF PASSENGER REVENUE.**—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) **SUNSET.**—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) **REPORT TO CONGRESS.**—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) **IN GENERAL.**—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

“§41724. Musical instruments

“(a) **IN GENERAL.**—

“(1) **SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.**—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

“(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

“(B) there is space for such stowage at the time the passenger boards the aircraft.

“(2) **LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.**—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

“(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

“(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

“(C) the instrument can be secured by a seat belt to avoid shifting during flight;

“(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

“(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

“(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

“(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

“(3) **LARGE INSTRUMENTS AS CHECKED BAGGAGE.**—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

“(B) the weight of the instrument does not exceed 165 pounds.

“(b) **REGULATIONS.**—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

“41724. Musical instruments”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) **AIRPORT PLANNING.**—Section 47102(5) is amended by striking “planning.” and inserting “planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.”.

(b) **MASTER PLAN.**—Section 47106(a) is amended—

(1) by striking “and” in paragraph (4);

(2) by striking “proposed.” in paragraph (5) and inserting “proposed; and”; and

(3) by adding at the end the following:

“(6) if the project is for an airport that has an airport master plan, the master plan addresses—

“(A) the feasibility of solid waste recycling at the airport;

“(B) minimizing the generation of solid waste at the airport;

“(C) operation and maintenance requirements;

“(D) the review of waste management contracts;

“(E) the potential for cost savings or the generation of revenue; and

“(F) training and education requirements.”.

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) **PURPOSE.**—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete

in Federally assisted airport contracts and concessions.

(b) **FINDINGS.**—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) **IN GENERAL.**—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

“(8) **MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.**—

“(A) **IN GENERAL.**—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(B) **IMPLEMENTATION.**—The training program may be implemented by one or more private entities approved by the Secretary.

“(C) **PARTICIPANTS.**—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.”.

(d) **REPORT.**—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) **DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.**—Section 47113 is amended by adding at the end the following:

“(e) **PERSONAL NET WORTH CAP.**—Not later than 180 days after the date of enactment of the

FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at \$750,000 in 1989.

“(f) EXCLUSION OF RETIREMENT BENEFITS.—

“(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

“(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

“(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

“(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).”

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) **STUDY.**—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator may take into consideration—

- (1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;
- (2) coverage requirements in relation to traffic demand;
- (3) facility type;
- (4) complexity of traffic and managerial responsibilities;
- (5) proficiency and training requirements; and
- (6) such other factors as the Administrator considers appropriate.

(c) **DETERMINATIONS.**—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) **IN GENERAL.**—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) **REQUIRED INFORMATION.**—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) **ANALYSIS AND RECOMMENDATIONS.**—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) **REPORT.**—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) **ADOPTION OF RECOMMENDED POLICY CHANGES.**—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Com-

mittee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate

(f) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term “part 135 certificate holder” means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) **IN GENERAL.**—Section 49108 is repealed.

(b) **CONFORMING REPEAL.**—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) **CONSOLIDATION OR ELIMINATION OF REPORTS.**—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) **USE OF ELECTRONIC MEDIA FOR REPORTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAFFIC CONTROL TOWER.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on the Federal Aviation Administration's plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year after such date of enactment.

SEC. 724. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 725. AIR-RAIL CODESHARE STUDY.

(a) CODESHARE STUDY.—Not later than 180 days after the date of the enactment of this Act, the GAO shall conduct a study of—

(1) the current airline and intercity passenger rail codeshare arrangements;

(2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—The study shall consider—

(1) the potential benefits to passengers and costs to taxpayers from the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through codesharing arrangements;

(2) airport operations that can improve connectivity to intercity passenger rail facilities and stations.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller shall submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any conclusions of the Comptroller resulting from the study.

SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SEC. 727. STUDY ON AVIATION FUEL PRICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general. The study shall include the impact of increases in aviation fuel prices on—

- (1) general aviation;
- (2) commercial passenger aviation;
- (3) piston aircraft purchase and use;
- (4) the aviation services industry, including repair and maintenance services;
- (5) aviation manufacturing;
- (6) aviation exports; and
- (7) the use of small airport installations.

(b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Clark County, Nevada.

(2) PUBLIC LAND.—The term “public land” means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE $\frac{1}{4}$ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106-362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator

of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) EXEMPTION REQUIREMENTS.—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) PACKAGING.—

(A) SMALLER CYLINDERS.—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category 1 shipping container.

(B) LARGER CYLINDERS.—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) OPERATIONAL CONTROLS.—

(A) STORAGE; ACCESS TO FIRE EXTINGUISHERS.—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) SHIPMENT WITH OTHER HAZARDOUS MATERIALS.—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM-D materials.

(3) AIRCRAFT REQUIREMENTS.—

(A) AIRCRAFT TYPE.—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) PASSENGER-CARRYING AIRCRAFT.—

(i) SMALLER CYLINDERS ONLY.—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) MAXIMUM NUMBER.—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) CARGO AIRCRAFT.—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) DEFINITIONS.—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. parts 106, 107, and 171–180).

SEC. 731. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

- “(i) requiring inspections of any container containing a firearm or ammunition; and
- “(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.”.

SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) **PLAN DEVELOPMENT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES**SEC. 800. AMENDMENT OF 1986 CODE.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2010” in the matter preceding subparagraph (A) and inserting “October 1, 2013”, and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2010” and inserting “October 1, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101,

the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”,

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Section 4081(a)(4) is amended—

(i) in the heading by striking “KEROSENE” and inserting “AVIATION-GRADE KEROSENE”, and

(ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Section 4081(d)(2) is amended by striking “(a)(2)(C)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) **RETAIL TAX ON AVIATION FUEL.**—

(1) **EXEMPTION FOR PREVIOUSLY TAXED FUEL.**—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) **RATE OF TAX.**—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) **RATE OF TAX.**—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) **REFUNDS RELATING TO AVIATION-GRADE KEROSENE.**—

(1) **KEROSENE USED IN COMMERCIAL AVIATION.**—Clause (ii) of section 6427(l)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) **KEROSENE USED IN AVIATION.**—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

“(B) **PAYMENTS TO ULTIMATE, REGISTERED VENDOR.**—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) **AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) **REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of

tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) **CONFORMING AMENDMENTS.**—

(A) Section 4082(d)(2)(B) is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(B) Section 6427(i)(4) is amended—

(i) by striking “(4)(C)” the first two places it occurs and inserting “(4)(B)”, and

(ii) by striking “, (l)(4)(C)(ii), and” and inserting “and”.

(C) The heading of section 6427(l) is amended by striking “DIESEL FUEL AND KEROSENE” and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Section 6427(l)(1) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Section 6427(l)(4) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting “AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION”, and

(ii) in subparagraph (A)—

(I) by striking “kerosene” and inserting “aviation-grade kerosene”,

(II) by striking “KEROSENE USED IN COMMERCIAL AVIATION” in the heading and inserting “IN GENERAL”.

(d) **TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.**—

(1) **IN GENERAL.**—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

“(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(2) **TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.**—

(A) **IN GENERAL.**—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking “(other than subsection (l)(4) thereof)”, and

(ii) in paragraph (3) by striking “(other than payments made by reason of paragraph (4) of section 6427(l))”.

(B) **CONFORMING AMENDMENTS.**—

(i) Section 9503(b)(4) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Section 9503(c) is amended by striking paragraph (6).

(iii) Section 9502(a) is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(7),”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels removed, entered, or sold after June 30, 2010.

(f) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of aviation fuel which is held on July 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding aviation fuel on July 1, 2010, shall be liable for such tax.

(B) **TIME AND METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid at such

time and in such manner as the Secretary of the Treasury shall prescribe.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **AVIATION FUEL.**—The term “aviation fuel” means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) **HELD BY A PERSON.**—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(5) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) **EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.**—

(A) **IN GENERAL.**—No tax shall be imposed by paragraph (1) on any aviation fuel held on July 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) **EXEMPT FUEL.**—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) **CONTROLLED GROUPS.**—For purposes of this subsection—

(i) **CORPORATIONS.**—

(I) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(II) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) **IN GENERAL.**—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

“(f) **ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—

“(1) **CREATION OF ACCOUNT.**—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Mod-

ernization Account as provided in this subsection or section 9602(b).

“(2) **TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—On October 1, 2010, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) **EXPENDITURES FROM ACCOUNT.**—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).”

(b) **CONFORMING AMENDMENT.**—Section 9502(d)(1) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) **FUEL SURTAX.**—

(1) **IN GENERAL.**—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) **IN GENERAL.**—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.

“(b) **AMOUNT OF TAX.**—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) **FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) **MINIMUM FRACTIONAL OWNERSHIP INTEREST.**—

“(A) **IN GENERAL.**—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{16}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of at least 1 rotorcraft program aircraft.

“(B) **FRACTIONAL OWNERSHIP INTEREST.**—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) **DRY-LEASE EXCHANGE ARRANGEMENT.**—A ‘dry-lease aircraft exchange’ means an agree-

ment, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) **TERMINATION.**—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) **CONFORMING AMENDMENT.**—Section 4082(e) is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) **TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.**—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program).”.

(4) **CLERICAL AMENDMENT.**—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) **FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.**—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: “For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(c) **EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.**—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.**—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(d) **EFFECTIVE DATES.**—

(1) **SUBSECTION (a).**—The amendments made by subsection (a) shall apply to fuel used after June 30, 2010.

(2) **SUBSECTION (b).**—The amendment made by subsection (b) shall apply to uses of aircraft after June 30, 2010.

(3) **SUBSECTION (c).**—The amendments made by subsection (c) shall apply to taxable transportation provided after June 30, 2010.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) **IN GENERAL.**—Section 4281 is amended to read as follows:

“SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

“The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term ‘maximum certificated takeoff weight’ means the maximum such weight contained in the type certificate or airworthiness certificate.”.

(b) **CONFORMING AMENDMENT.**—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking “on nonestablished lines” and inserting “operated solely for sightseeing”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) **IN GENERAL.**—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) NON-TAX CHARGES.—

“(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

“(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term “earmark” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation

scheduled to be rescinded at the end of the current fiscal year.

Amend the title so as to read: “An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.”.

MOTION TO CONCUR

Mr. OBERSTAR. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. OBERSTAR of Minnesota:

Mr. Oberstar moves that the House concur in the Senate amendment to the title and that the House concur in the Senate amendment to the text with an amendment.

The text of the House amendment to the Senate amendment is as follows:

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Aviation Safety and Investment Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. FAA operations.

Sec. 104. Research, engineering, and development.

Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.

Sec. 112. PFC eligibility for bicycle storage.

Sec. 113. Award of architectural and engineering contracts for airside projects.

Sec. 114. Intermodal ground access project pilot program.

Sec. 115. Participation of disadvantaged business enterprises in contracts, subcontracts, and business opportunities funded using passenger facility revenues and in airport concessions.

Sec. 116. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.

Sec. 122. Registration fees.

Subtitle D—AIP Modifications

Sec. 131. Amendments to AIP definitions.

Sec. 132. Solid waste recycling plans.

Sec. 133. Amendments to grant assurances.

Sec. 134. Government share of project costs.

Sec. 135. Amendments to allowable costs.

Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.

Sec. 137. Airport disadvantaged business enterprise program.

Sec. 138. Training program for certification of disadvantaged business enterprises.

Sec. 139. Calculation of State apportionment fund.

Sec. 140. Reducing apportionments.

Sec. 141. Minimum amount for discretionary fund.

Sec. 142. Marshall Islands, Micronesia, and Palau.

Sec. 143. Use of apportioned amounts.

Sec. 144. Sale of private airport to public sponsor.

Sec. 145. Airport privatization pilot program.

Sec. 146. Airport security program.

Sec. 147. Sunset of pilot program for purchase of airport development rights.

Sec. 148. Extension of grant authority for compatible land use planning and projects by State and local governments.

Sec. 149. Repeal of limitations on Metropolitan Washington Airports Authority.

Sec. 150. Midway Island Airport.

Sec. 151. Puerto Rico minimum guarantee.

Sec. 152. Miscellaneous amendments.

Sec. 153. Airport Master Plans.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

Sec. 201. Mission statement; sense of Congress.

Sec. 202. Next Generation Air Transportation System Joint Planning and Development Office.

Sec. 203. Next Generation Air Transportation Senior Policy Committee.

Sec. 204. Automatic dependent surveillance-broadcast services.

Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.

Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.

Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.

Sec. 208. DOT inspector general review of operational and approach procedures by a third party.

Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.

Sec. 210. NextGen technology testbed.

Sec. 211. Clarification of authority to enter into reimbursable agreements.

Sec. 212. Definition of air navigation facility.

Sec. 213. Improved management of property inventory.

Sec. 214. Clarification to acquisition reform authority.

Sec. 215. Assistance to foreign aviation authorities.

Sec. 216. Front line manager staffing.

Sec. 217. Flight service stations.

Sec. 218. NextGen Research and Development Center of Excellence.

Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

Sec. 301. Judicial review of denial of airman certificates.

Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.

Sec. 303. Inspection of foreign repair stations.

Sec. 304. Runway safety.

Sec. 305. Improved pilot licenses.

Sec. 306. Flight crew fatigue.

Sec. 307. Occupational safety and health standards for flight attendants on board aircraft.

Sec. 308. Aircraft surveillance in mountainous areas.

Sec. 309. Off-airport, low-altitude aircraft weather observation technology.

Sec. 310. Noncertificated maintenance providers.

Sec. 311. Aircraft rescue and firefighting standards.

Sec. 312. Cockpit smoke.

- Sec. 313. Safety of helicopter air ambulance operations.
- Sec. 314. Feasibility of requiring helicopter pilots to use night vision goggles.
- Sec. 315. Study of helicopter and fixed wing air ambulance services.

Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Commercial unmanned aircraft systems integration plan.
- Sec. 322. Special rules for certain unmanned aircraft systems.
- Sec. 323. Public unmanned aircraft systems.
- Sec. 324. Definitions.

Subtitle C—Safety and Protections

- Sec. 331. Aviation safety whistleblower investigation office.
- Sec. 332. Modification of customer service initiative.
- Sec. 333. Post-employment restrictions for flight standards inspectors.
- Sec. 334. Assignment of principal supervisory inspectors.
- Sec. 335. Headquarters review of air transportation oversight system database.
- Sec. 336. Improved voluntary disclosure reporting system.

Subtitle D—Airline Safety and Pilot Training Improvement

- Sec. 341. Short title.
- Sec. 342. Definitions.
- Sec. 343. FAA Task Force on Air Carrier Safety and Pilot Training.
- Sec. 344. Implementation of NTSB flight crewmember training recommendations.
- Sec. 345. Secretary of Transportation responses to safety recommendations.
- Sec. 346. FAA pilot records database.
- Sec. 347. FAA rulemaking on training programs.
- Sec. 348. Aviation safety inspectors and operational research analysts.
- Sec. 349. Flight crewmember mentoring, professional development, and leadership.
- Sec. 350. Flight crewmember screening and qualifications.
- Sec. 351. Airline transport pilot certification.
- Sec. 352. Flight schools, flight education, and pilot academic training.
- Sec. 353. Voluntary safety programs.
- Sec. 354. ASAP and FOQA implementation plan.
- Sec. 355. Safety management systems.
- Sec. 356. Disclosure of air carriers operating flights for tickets sold for air transportation.
- Sec. 357. Pilot fatigue.
- Sec. 358. Flight crewmember pairing and crew resource management techniques.

TITLE IV—AIR SERVICE IMPROVEMENTS

- Sec. 401. Smoking prohibition.
- Sec. 402. Monthly air carrier reports.
- Sec. 403. Flight operations at Reagan National Airport.
- Sec. 404. EAS contract guidelines.
- Sec. 405. Essential air service reform.
- Sec. 406. Small community air service.
- Sec. 407. Air passenger service improvements.
- Sec. 408. Contents of competition plans.
- Sec. 409. Extension of competitive access reports.
- Sec. 410. Contract tower program.
- Sec. 411. Airfares for members of the Armed Forces.
- Sec. 412. Repeal of essential air service local participation program.
- Sec. 413. Adjustment to subsidy cap to reflect increased fuel costs.
- Sec. 414. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 415. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.

- Sec. 416. Office of Rural Aviation.
- Sec. 417. Adjustments to compensation for significantly increased costs.
- Sec. 418. Review of air carrier flight delays, cancellations, and associated causes.
- Sec. 419. European Union rules for passenger rights.
- Sec. 420. Establishment of advisory committee for aviation consumer protection.
- Sec. 421. Denied boarding compensation.
- Sec. 422. Compensation for delayed baggage.
- Sec. 423. Schedule reduction.
- Sec. 424. Expansion of DOT airline consumer complaint investigations.
- Sec. 425. Prohibitions against voice communications using mobile communications devices on scheduled flights.
- Sec. 426. Antitrust exemptions.
- Sec. 427. Musical instruments.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

- Sec. 501. Amendments to air tour management program.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. Determination of fair market value of residential properties.
- Sec. 506. Soundproofing of residences.
- Sec. 507. CLEEN research, development, and implementation partnership.
- Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 509. Environmental mitigation pilot program.
- Sec. 510. Aircraft departure queue management pilot program.
- Sec. 511. High performance and sustainable air traffic control facilities.
- Sec. 512. Regulatory responsibility for aircraft engine noise and emissions standards.
- Sec. 513. Cabin air quality technology.
- Sec. 514. Sense of Congress.
- Sec. 515. Airport noise compatibility planning study, Port Authority of New York and New Jersey.
- Sec. 516. GAO study on compliance with FAA record of decision.
- Sec. 517. Westchester County Airport, New York.
- Sec. 518. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Merit system principles and prohibited personnel practices.
- Sec. 603. Applicability of back pay requirements.
- Sec. 604. FAA technical training and staffing.
- Sec. 605. Designee program.
- Sec. 606. Staffing model for aviation safety inspectors.
- Sec. 607. Safety critical staffing.
- Sec. 608. FAA air traffic controller staffing.
- Sec. 609. Assessment of training programs for air traffic controllers.
- Sec. 610. Collegiate training initiative study.
- Sec. 611. FAA Task Force on Air Traffic Control Facility Conditions.

TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
- Sec. 702. Extension of authority to limit third party liability of air carriers arising out of acts of terrorism.
- Sec. 703. Clarification of reinsurance authority.
- Sec. 704. Use of independent claims adjusters.
- Sec. 705. Extension of program authority.

TITLE VIII—MISCELLANEOUS

- Sec. 801. Air carrier citizenship.

- Sec. 802. Disclosure of data to Federal agencies in interest of national security.
- Sec. 803. FAA access to criminal history records and database systems.
- Sec. 804. Clarification of air carrier fee disputes.
- Sec. 805. Study on national plan of integrated airport systems.
- Sec. 806. Express carrier employee protection.
- Sec. 807. Consolidation and realignment of FAA facilities.
- Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.
- Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
- Sec. 810. Lost Nation Airport, Ohio.
- Sec. 811. Pollock Municipal Airport, Louisiana.
- Sec. 812. Human intervention and motivation study program.
- Sec. 813. Washington, DC, Air Defense Identification Zone.
- Sec. 814. Merrill Field Airport, Anchorage, Alaska.
- Sec. 815. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.
- Sec. 816. Duty periods and flight time limitations applicable to flight crewmembers.
- Sec. 817. Pilot program for redevelopment of airport properties.
- Sec. 818. Helicopter operations over Long Island and Staten Island, New York.
- Sec. 819. Cabin temperature and humidity standards study.
- Sec. 820. Civil penalties technical amendments.
- Sec. 821. Study and report on alleviating congestion.
- Sec. 822. Airline personnel training enhancement.
- Sec. 823. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.
- Sec. 824. FAA radar signal locations.
- Sec. 825. Wind turbine lighting.
- Sec. 826. Prohibition on use of certain funds.
- Sec. 827. Limiting access to flight decks of all-cargo aircraft.
- Sec. 828. Whistleblowers at FAA.
- Sec. 829. College Point Marine Transfer Station, New York.
- Sec. 830. Pilot training and certification.
- Sec. 831. St. George, Utah.
- Sec. 832. Replacement of terminal radar approach control at Palm Beach International Airport.
- Sec. 833. Santa Monica Airport, California.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

- Sec. 901. Short title.
- Sec. 902. Definitions.
- Sec. 903. Interagency research initiative on the impact of aviation on the climate.
- Sec. 904. Research program on runways.
- Sec. 905. Research on design for certification.
- Sec. 906. Centers of excellence.
- Sec. 907. Airport cooperative research program.
- Sec. 908. Unmanned aircraft systems.
- Sec. 909. Research grants program involving undergraduate students.
- Sec. 910. Aviation gas research and development program.
- Sec. 911. Review of FAA's Energy- and Environment-Related Research Programs.
- Sec. 912. Review of FAA's aviation safety-related research programs.
- Sec. 913. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 914. Center for excellence in aviation employment.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

- Sec. 1001. Short title.

Sec. 1002. Extension and modification of taxes funding airport and airway trust fund.

TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

Sec. 1101. Compliance provision.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2008.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) **AUTHORIZATION.**—Section 48103 is amended—

(1) by striking “September 30, 2003” and inserting “September 30, 2008”; and

(2) by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$4,000,000,000 for fiscal year 2010;
- “(2) \$4,100,000,000 for fiscal year 2011; and
- “(3) \$4,200,000,000 for fiscal year 2012.”.

(b) **ALLOCATIONS OF FUNDS.**—Section 48103 is amended—

(1) by striking “The total amounts” and inserting “(a) **AVAILABILITY OF AMOUNTS.**—The total amounts”; and

(2) by adding at the end the following:

“(b) **AIRPORT COOPERATIVE RESEARCH PROGRAM.**—Of the amounts made available under subsection (a), \$15,000,000 for each of fiscal years 2010 through 2012 may be used for carrying out the Airport Cooperative Research Program.

“(c) **AIRPORTS TECHNOLOGY RESEARCH.**—Of the amounts made available under subsection (a), \$19,348,000 for each of fiscal years 2010 through 2012 may be used for carrying out airports technology research.”.

(c) **OBLIGATIONAL AUTHORITY.**—Section 47104(c) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(d) **RESCISSION OF UNOBLIGATED BALANCES.**—Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, for fiscal year 2009, \$305,500,000 are hereby rescinded. Of the unobligated balances from funds available under such sections for fiscal years prior to fiscal year 2009, \$102,000,000 are hereby rescinded.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

- “(1) \$3,259,000,000 for fiscal year 2010.
- “(2) \$3,353,000,000 for fiscal year 2011.
- “(3) \$3,506,000,000 for fiscal year 2012.”.

(b) **USE OF FUNDS.**—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

“(c) **WAKE VORTEX MITIGATION.**—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

“(d) **WEATHER HAZARDS.**—

“(1) **IN GENERAL.**—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting,

and mitigating the effects of certain weather conditions on both airframes and engines.

“(2) **SPECIFIC HAZARDS.**—Weather conditions referred to in paragraph (1) include—

“(A) ground-based icing threats such as ice pellets and freezing drizzle;

“(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

“(C) en route turbulence prediction.

“(e) **SAFETY MANAGEMENT SYSTEMS.**—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used to advance the development and implementation of safety management systems.

“(f) **RUNWAY INCURSION REDUCTION PROGRAMS.**—Of amounts appropriated under subsection (a), \$12,000,000 for fiscal year 2010, \$12,000,000 for fiscal year 2011, and \$12,000,000 for fiscal year 2012 may be used for the development and implementation of runway incursion reduction programs.

“(g) **RUNWAY STATUS LIGHTS.**—Of amounts appropriated under subsection (a), \$125,000,000 for fiscal year 2010, \$100,000,000 for 2011, and \$50,000,000 for fiscal year 2012 may be used for the acquisition and installation of runway status lights.

“(h) **NEXTGEN SYSTEMS DEVELOPMENT PROGRAMS.**—Of amounts appropriated under subsection (a), \$102,900,000 for fiscal year 2010, \$104,000,000 for fiscal year 2011, and \$105,300,000 for fiscal year 2012 may be used for systems development activities associated with NextGen.

“(i) **NEXTGEN DEMONSTRATION PROGRAMS.**—Of amounts appropriated under subsection (a), \$30,000,000 for fiscal year 2010, \$30,000,000 for fiscal year 2011, and \$30,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

“(j) **CENTER FOR ADVANCED AVIATION SYSTEM DEVELOPMENT.**—Of amounts appropriated under subsection (a), \$79,000,000 for fiscal year 2010, \$79,000,000 for fiscal year 2011, and \$80,800,000 for fiscal year 2012 may be used for the Center for Advanced Aviation System Development.

“(k) **ADDITIONAL PROGRAMS.**—Of amounts appropriated under subsection (a), \$22,500,000 for fiscal year 2010, \$22,500,000 for fiscal year 2011, and \$22,500,000 for fiscal year 2012 may be used for—

- “(1) system capacity, planning, and improvement;
- “(2) operations concept validation;
- “(3) NAS weather requirements; and
- “(4) Airspace Management Lab.”.

SEC. 103. FAA OPERATIONS.

(a) **IN GENERAL.**—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

- “(A) \$9,531,272,000 for fiscal year 2010;
- “(B) \$9,936,259,000 for fiscal year 2011; and
- “(C) \$10,350,155,000 for fiscal year 2012.”.

(b) **AUTHORIZED EXPENDITURES.**—Section 106(k)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) Such sums as may be necessary for fiscal years 2010 through 2012 to support development and maintenance of helicopter approach procedures, including certification and recertification of instrument flight rule, global positioning system, and point-in-space approaches to heliports necessary to support all weather, emergency services.”;

(2) by striking subparagraphs (B), (C), and (D);

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and

(4) in subparagraphs (B), (C), and (D) (as so redesignated) by striking “2004 through 2007” and inserting “2010 through 2012”.

(c) **AIRLINE DATA AND ANALYSIS.**—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation \$6,000,000 for each of fiscal years 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)—

(A) in subparagraph (K) by inserting “and” at the end; and

(B) in subparagraph (L) by striking “and” at the end;

(2) in paragraph (12)(L) by striking “and” at the end; and

(3) by striking paragraph (13) and inserting the following:

“(13) for fiscal year 2010, \$214,587,000, including—

“(A) \$8,546,000 for fire research and safety;

“(B) \$4,075,000 for propulsion and fuel systems;

“(C) \$2,965,000 for advanced materials and structural safety;

“(D) \$4,921,000 for atmospheric hazards and digital system safety;

“(E) \$14,688,000 for aging aircraft;

“(F) \$2,153,000 for aircraft catastrophic failure prevention research;

“(G) \$11,000,000 for flightdeck maintenance, system integration, and human factors;

“(H) \$12,589,000 for aviation safety risk analysis;

“(I) \$15,471,000 for air traffic control, technical operations, and human factors;

“(J) \$8,699,000 for aeromedical research;

“(K) \$23,286,000 for weather program;

“(L) \$6,236,000 for unmanned aircraft systems research;

“(M) \$18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) \$10,412,000 for wake turbulence;

“(O) \$10,400,000 for NextGen—Air ground integration;

“(P) \$8,000,000 for NextGen—Self separation;

“(Q) \$7,567,000 for NextGen—Weather technology in the cockpit;

“(R) \$20,278,000 for environment and energy;

“(S) \$19,700,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

“(T) \$1,827,000 for system planning and resource management; and

“(U) \$3,674,000 for the William J. Hughes Technical Center Laboratory Facility;

“(14) for fiscal year 2011, \$225,993,000, including—

“(A) \$8,815,000 for fire research and safety;

“(B) \$4,150,000 for propulsion and fuel systems;

“(C) \$2,975,000 for advanced materials and structural safety;

“(D) \$4,949,000 for atmospheric hazards and digital system safety;

“(E) \$14,903,000 for aging aircraft;

“(F) \$2,181,000 for aircraft catastrophic failure prevention research;

“(G) \$12,000,000 for flightdeck maintenance, system integration, and human factors;

“(H) \$12,497,000 for aviation safety risk analysis;

“(I) \$15,715,000 for air traffic control, technical operations, and human factors;

“(J) \$8,976,000 for aeromedical research;

“(K) \$23,638,000 for weather program;

“(L) \$6,295,000 for unmanned aircraft systems research;

“(M) \$18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) \$10,471,000 for wake turbulence;

“(O) \$10,600,000 for NextGen—Air ground integration;

“(P) \$8,300,000 for NextGen—Self separation;

“(Q) \$8,345,000 for NextGen—Weather technology in the cockpit;

“(R) \$27,075,000 for environment and energy;

“(S) \$20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

“(T) \$1,836,000 for system planning and resource management; and

“(U) \$3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

“(15) for fiscal year 2012, \$244,860,000, including—

“(A) \$8,957,000 for fire research and safety;

“(B) \$4,201,000 for propulsion and fuel systems;

“(C) \$2,986,000 for advanced materials and structural safety;

“(D) \$4,979,000 for atmospheric hazards and digital system safety;

“(E) \$15,013,000 for aging aircraft;

“(F) \$2,192,000 for aircraft catastrophic failure prevention research;

“(G) \$12,000,000 for flightdeck maintenance, system integration, and human factors;

“(H) \$12,401,000 for aviation safety risk analysis;

“(I) \$16,000,000 for air traffic control, technical operations, and human factors;

“(J) \$9,267,000 for aeromedical research;

“(K) \$23,800,000 for weather program;

“(L) \$6,400,000 for unmanned aircraft systems research;

“(M) \$18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

“(N) \$10,471,000 for wake turbulence;

“(O) \$10,800,000 for NextGen—Air ground integration;

“(P) \$8,500,000 for NextGen—Self separation;

“(Q) \$8,569,000 for NextGen—Weather technology in the cockpit;

“(R) \$44,409,000 for environment and energy;

“(S) \$20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

“(T) \$1,840,000 for system planning and resource management; and

“(U) \$3,941,000 for the William J. Hughes Technical Center Laboratory Facility.”.

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

“(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2012 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

“(i) in fiscal year 2010, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

“(ii) in each of fiscal years 2011 and 2012, be equal to the sum of—

“(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

“(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).”.

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking “2007” and inserting “2012”.

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking “LEVEL” and inserting “ESTIMATED LEVEL”;

(2) by striking “level of receipts plus interest” and inserting “estimated level of receipts plus interest”.

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking “2007” and inserting “2012”.

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

“(5) PASSENGER FACILITY CHARGE.—The term ‘passenger facility charge’ means a charge or fee imposed under this section.”.

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking “\$4.00 or \$4.50” and inserting “\$4.00, \$4.50, \$5.00, \$6.00, or \$7.00”.

(c) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(d) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking “fees” and inserting “charges”;

(B) in the heading for subsection (e) by striking “FEES” and inserting “CHARGES”;

(C) in the heading for subsection (l) by striking “FEE” and inserting “CHARGE”;

(D) in the heading for paragraph (5) of subsection (l) by striking “FEE” and inserting “CHARGE”;

(E) in the heading for subsection (m) by striking “FEES” and inserting “CHARGES”;

(F) in the heading for paragraph (1) of subsection (m) by striking “FEES” and inserting “CHARGES”;

(G) by striking “fee” each place it appears (other than the second sentence of subsection (g)(4)) and inserting “charge”; and

(H) by striking “fees” each place it appears and inserting “charges”.

(2) OTHER REFERENCES.—Subtitle VII is amended by striking “fee” and inserting “charge” each place it appears in each of the following sections:

(A) Section 47106(f)(1).

(B) Section 47110(e)(5).

(C) Section 47114(f).

(D) Section 47134(g)(1).

(E) Section 47139(b).

(F) Section 47524(e).

(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:

“(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.”.

(b) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING CONTRACTS FOR AIRSIDE PROJECTS.

(a) IN GENERAL.—Section 40117(d) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) in the case of an application to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying,

mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the eligible agency.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an application submitted to the Secretary of Transportation by an eligible agency under section 40117 of title 49, United States Code, after the date of enactment of this Act.

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:

“(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

“(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

“(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term ‘intermodal ground access project’ means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

“(3) ELIGIBLE COSTS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

“(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

“(ii) the total number of the individuals projected to use the facility.

“(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

“(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

“(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).”.

SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUBCONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY REVENUES AND IN AIRPORT CONCESSIONS.

Section 40117 (as amended by this Act) is further amended by adding at the end the following:

“(o) PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES.—

“(1) APPLICABILITY OF REQUIREMENTS.—Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises, as set forth in parts 23 and 26 of title 49, Code of Federal Regulations (or a successor regulation), shall apply to an airport collecting passenger facility revenue.

“(2) REGULATIONS.—The Secretary shall issue any regulations necessary to implement this subsection, including—

“(A) goal setting requirements for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues, and airport concessions, are awarded consistent with the levels of participation of disadvantaged business enterprises and airport concessions disadvantaged

business enterprises that would be expected in the absence of discrimination;

“(B) provision for an assurance that requires that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any contract funded using passenger facility revenues; and

“(C) a requirement that an eligible agency will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts funded using passenger facility revenues.

“(3) EFFECTIVE DATE.—Paragraph (1) shall take effect on the day following the date on which the Secretary issues final regulations under paragraph (2).

“(4) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE.—The term ‘airport concessions disadvantaged business enterprise’ has the meaning given that term in part 23 of title 49, Code of Federal Regulations (or a successor regulation).

“(B) DISADVANTAGED BUSINESS ENTERPRISE.—The term ‘disadvantaged business enterprise’ has the meaning given that term in part 26 of title 49, Code of Federal Regulations (or a successor regulation).”

SEC. 116. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate—

(1) the impacts on airports of accommodating connecting passengers; and

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall review, at a minimum, the following:

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b); and

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

“(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

“(1) IN GENERAL.—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

“(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by May 1, 2010. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by September 1, 2009, and are intended to ensure that overflight fees are reasonably related to the Administrator’s costs of providing air traffic control and related services to overflights.

“(3) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

“(4) COSTS DEFINED.—In this subsection, the term ‘costs’ includes those costs associated with the operation, maintenance, leasing costs, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

“(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.”

(b) ADJUSTMENTS.—Section 45301 is amended by adding at the end the following:

“(e) ADJUSTMENTS.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.”

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

“§45305. Registration, certification, and related fees

“(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

“(1) \$130 for registering an aircraft.

“(2) \$45 for replacing an aircraft registration.

“(3) \$130 for issuing an original dealer’s aircraft certificate.

“(4) \$105 for issuing an aircraft certificate (other than an original dealer’s aircraft certificate).

“(5) \$80 for issuing a special registration number.

“(6) \$50 for issuing a renewal of a special registration number.

“(7) \$130 for recording a security interest in an aircraft or aircraft part.

“(8) \$50 for issuing an airman certificate.

“(9) \$25 for issuing a replacement airman certificate.

“(10) \$42 for issuing an airman medical certificate.

“(11) \$100 for providing a legal opinion pertaining to aircraft registration or recordation.

“(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

“(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

“(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

“(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(C) remain available until expended.

“(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration’s regular appropriations.

“(3) ADJUSTMENTS.—The Administrator shall periodically adjust the fees established by subsection (a) when cost data from the cost accounting system developed pursuant to section 45303(e) reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

“§45305. Registration, certification, and related fees.”

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking “A fee” and inserting the following:

“(1) IN GENERAL.—A fee”; and

(2) by adding at the end the following:

“(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.”

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking “20” and inserting “9”; and

(2) by adding at the end the following:

“(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

“(N) terminal development under section 47119(a).

“(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.”

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: “, developing an environmental management system”.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) ‘general aviation airport’ means a public airport that is located in a State and that, as determined by the Secretary—

“(A) does not have scheduled service; or

“(B) has scheduled service with less than 2,500 passenger boardings each year.”.

(d) **REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.**—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

“(24) ‘revenue producing aeronautical support facilities’ means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.”.

(e) **TERMINAL DEVELOPMENT.**—Section 47102 is further amended by adding at the end the following:

“(28) ‘terminal development’ means—

“(A) development of—

“(i) an airport passenger terminal building, including terminal gates;

“(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

“(iii) walkways that lead directly to or from an airport passenger terminal building; and

“(B) the cost of a vehicle described in section 47119(a)(1)(B).”.

SEC. 132. SOLID WASTE RECYCLING PLANS.

(a) **AIRPORT PLANNING.**—Section 47102(5) (as amended by section 131(b) of this Act) is amended by inserting before the period at the end the following: “, and planning to minimize the generation of, and to recycle, airport solid waste in a manner that is consistent with applicable State and local recycling laws”.

(b) **MASTER PLAN.**—Section 47106(a) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) in any case in which the project is for an airport that has an airport master plan, the master plan addresses the feasibility of solid waste recycling at the airport and minimizing the generation of solid waste at the airport.”.

SEC. 133. AMENDMENTS TO GRANT ASSURANCES.

(a) **GENERAL WRITTEN ASSURANCES.**—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: “, except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)”.

(b) **WRITTEN ASSURANCES ON ACQUIRING LAND.**—

(1) **USE OF PROCEEDS.**—Section 47107(c)(2)(A)(iii) is amended by striking “paid to the Secretary” and all that follows before the semicolon and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)”.

(2) **ELIGIBLE PROJECTS.**—Section 47107(c) is amended by adding at the end the following:

“(4) **PRIORITIES FOR REINVESTMENT.**—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

“(A) Reinvestment in an approved noise compatibility project.

“(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

“(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

“(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

“(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.”.

(c) **CLERICAL AMENDMENT.**—Section 47107(c)(2)(B)(iii) is amended by striking “the Fund” and inserting “the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)”.

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking “provided in subsection (b) or subsection (c) of this section” and inserting “otherwise specifically provided in this section”; and

(2) by adding at the end the following:

“(e) **SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.**—If the status of a small hub airport changes to a medium hub airport, the Government’s share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

“(f) **SPECIAL RULE FOR ECONOMICALLY DE-PRESSED COMMUNITIES.**—The Government’s share of allowable project costs shall be 95 percent for a project at an airport that—

“(1) is receiving subsidized air service under subchapter II of chapter 417; and

“(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.”.

SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.

(a) **ALLOWABLE PROJECT COSTS.**—Section 47110(b)(2)(D) is amended to read as follows:

“(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

“(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

“(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

“(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

“(iv) the sponsor’s decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;”.

(b) **RELOCATION OF AIRPORT-OWNED FACILITIES.**—Section 47110(d) is amended to read as follows:

“(d) **RELOCATION OF AIRPORT-OWNED FACILITIES.**—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

“(1) the Government’s share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

“(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary’s design standards; and

“(3) the Secretary determines that the change is beyond the control of the airport sponsor.”.

(c) **NONPRIMARY AIRPORTS.**—Section 47110(h) is amended—

(1) by inserting “construction of” before “revenue producing”; and

(2) by striking “, including fuel farms and hangars,”.

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended by adding at the end the following:

“(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must re-

quire that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.”.

SEC. 137. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) **PURPOSE.**—It is the purpose of the airport disadvantaged business program to ensure that minority- and women-owned businesses have a full and fair opportunity to compete in federally assisted airport contracts and concessions and to ensure that the Federal Government does not subsidize discrimination in private or locally funded airport-related industries.

(b) **FINDINGS.**—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a significant barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(2) Discrimination poses serious barriers to the full participation in airport-related businesses of women business owners and minority business owners, including African Americans, Hispanic Americans, Asian Americans, and Native Americans.

(3) Discrimination impacts minority and women business owners in every geographic region of the United States and in every airport-related industry.

(4) Discrimination has impacted many aspects of airport-related business, including—

(A) the availability of venture capital and credit;

(B) the availability of bonding and insurance;

(C) the ability to obtain licensing and certification;

(D) public and private bidding and quoting procedures;

(E) the pricing of supplies and services;

(F) business training, education, and apprenticeship programs; and

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress has received voluminous evidence of discrimination against minority and women business owners in airport-related industries, including—

(A) statistical analyses demonstrating significant disparities in the utilization of minority- and women-owned businesses in federally and locally funded airport related contracting;

(B) statistical analyses of private sector disparities in business success by minority- and women-owned businesses in airport related industries;

(C) research compiling anecdotal reports of discrimination by individual minority and women business owners;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority and women business owners;

(E) analyses demonstrating significant reductions in the participation of minority and women businesses in jurisdictions that have reduced or eliminated their minority- and women-owned business programs;

(F) statistical analyses showing significant disparities in the credit available to minority- and women-owned businesses;

(G) research and statistical analyses demonstrating how discrimination negatively impacts firm formation, growth, and success;

(H) experience of race- and gender-neutral efforts alone are insufficient to remedy discrimination; and

(I) other qualitative and quantitative evidence of discrimination against minority- and women-owned businesses in airport-related industries.

(6) All of this evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(7) Congress has received and reviewed recent comprehensive and compelling evidence of discrimination from many different sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits.

(c) **DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.**—Section 47113 is amended by adding at the end the following:

“(e) **PERSONAL NET WORTH CAP.**—

“(1) **REGULATIONS.**—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at \$750,000 in 1989.

“(2) **ANNUAL ADJUSTMENT.**—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.

“(f) **EXCLUSION OF RETIREMENT BENEFITS.**—

“(1) **IN GENERAL.**—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

“(2) **REGULATIONS.**—Not later than one year after the date of enactment of this subsection, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

“(g) **PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

“(2) **REGULATIONS.**—Not later than one year after the date of enactment of this subsection, the Secretary shall issue a final rule to establish the program under paragraph (1).”

SEC. 138. TRAINING PROGRAM FOR CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

(a) **MANDATORY TRAINING PROGRAM.**—Section 47113 (as amended by this Act) is further amended—

(1) in subsection (b) by striking “Secretary” and inserting “Secretary of Transportation”; and

(2) by adding at the end the following:

“(h) **MANDATORY TRAINING PROGRAM.**—

“(1) **IN GENERAL.**—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

“(2) **IMPLEMENTATION.**—The training program may be implemented by one or more private entities approved by the Secretary.

“(3) **PARTICIPANTS.**—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

“(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) or section 47107(e)(1); or

“(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—Out of amounts appropriated under section 106(k), not less than \$2,000,000 for each of fiscal years 2010, 2011, and 2012 shall be used to carry out this subsection and to support other programs and activities of the Secretary related to the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals in airport related contracts or concessions.”

(b) **REPORT.**—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (b).

SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking “Except as provided in paragraph (3), the Secretary” and inserting “The Secretary”; and

(B) by striking “18.5 percent” and inserting “10 percent”; and

(2) by striking paragraph (3) and inserting the following:

“(3) **ADDITIONAL AMOUNT.**—

“(A) **IN GENERAL.**—In addition to amounts apportioned under paragraph (2), and subject to subparagraph (B), the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

“(i) \$150,000; or

“(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

“(B) **REDUCTION.**—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than \$300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of \$300,000,000.”

SEC. 140. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting “except as provided by subparagraph (C),” before “in the case”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) in the case of a charge of more than \$4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.”

SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking “sum of—” and all that follows through the pe-

riod at the end of subparagraph (B) and inserting “sum of \$520,000,000.”

SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking “fiscal years 2004 through 2009,” and inserting “fiscal years 2010 through 2012.”

SEC. 143. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking “35 percent” and inserting “\$300,000,000”; and

(B) by striking “and” after “47141,”; and

(C) by inserting before the period at the end the following: “, and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as approved in an environmental record of decision for an airport development project under this title”; and

(2) in the second sentence by striking “such 35 percent requirement is” and inserting “the requirements of the preceding sentence are”.

SEC. 144. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

(a) **IN GENERAL.**—Section 47133(b) is amended—

(1) by striking “Subsection (a) shall not apply if” and inserting the following:

“(1) **PRIOR LAWS AND AGREEMENTS.**—Subsection (a) shall not apply if”; and

(2) by adding at the end the following:

“(2) **SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

“(A) the sale is approved by the Secretary;

“(B) funding is provided under this subtitle for any portion of the public sponsor's acquisition of airport land; and

“(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

“(3) **TREATMENT OF REPAYMENTS.**—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.”

(b) **APPLICABILITY TO GRANTS.**—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) **APPROVAL REQUIREMENTS.**—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), (c)(4)(A), and (c)(4)(B) by striking “65 percent” each place it appears and inserting “75 percent”.

(b) **PROHIBITION ON RECEIPT OF FUNDS.**—

(1) **SECTION 47134.**—Section 47134 is amended by adding at the end the following:

“(m) **PROHIBITION ON RECEIPT OF CERTAIN FUNDS.**—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.”

(2) **CONFORMING AMENDMENTS.**—Section 47134(g) is amended—

(A) in the subsection heading by striking “APPORTIONMENTS”; and

(B) in paragraph (1) by striking the semicolon at the end and inserting “; or”; and

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(c) **FEDERAL SHARE OF PROJECT COSTS.**—Section 47109(a) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting “; and”; and

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 146. AIRPORT SECURITY PROGRAM.

(a) GENERAL AUTHORITY.—Section 47137(a) is amended by inserting “, in consultation with the Secretary of Homeland Security,” after “Transportation”.

(b) IMPLEMENTATION.—Section 47137(b) is amended to read as follows:

“(b) IMPLEMENTATION.—

“(1) IN GENERAL.—In carrying out this section, the Secretary of Transportation shall provide funding through a grant, contract, or another agreement described in section 106(l)(6) to a nonprofit consortium that—

“(A) is composed of public and private persons, including an airport sponsor; and

“(B) has at least 10 years of demonstrated experience in testing and evaluating anti-terrorist technologies at airports.

“(2) PROJECT SELECTION.—The Secretary shall select projects under this subsection that—

“(A) evaluate and test the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

“(B) provide testing and evaluation of airport security systems and technology in an operational, testbed environment.”.

(c) MATCHING SHARE.—Section 47137(c) is amended by inserting after “section 47109” the following: “or any other provision of law”.

(d) ADMINISTRATION.—Section 47137(e) is amended by adding at the end the following: “The Secretary may enter into an agreement in accordance with section 106(m) to provide for the administration of any project under the program.”.

(e) ELIGIBLE SPONSOR.—Section 47137 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 47137(f) (as so redesignated) is amended by striking “\$5,000,000” and inserting “\$8,500,000”.

SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

Section 47138 is amended by adding at the end the following:

“(f) SUNSET.—This section shall not be in effect after September 30, 2008.”.

SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to such section in the analysis for chapter 491, are repealed.

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “October 1, 2009,” and inserting “October 1, 2012.”.

SEC. 151. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting “AND PUERTO RICO” after “ALASKA”; and

(2) by adding at the end the following:

“(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.”.

SEC. 152. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking “each airport to—” and inserting “the airport system to—”; and

(B) in paragraph (1) by striking “system in the particular area;” and inserting “system, including connection to the surface transportation network; and”;

(C) in paragraph (2) by striking “; and” and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting “; and”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking “, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations;” and

(3) in subsection (d) by striking “status of the”.

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking “separated from” and inserting “discharged or released from active duty in”; and

(B) by adding at the end the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty (as defined by section 101 of title 38) in the Armed Forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom, and who was separated from the Armed Forces under honorable conditions.”; and

(2) in paragraph (2) by striking “veterans and” and inserting “veterans, Afghanistan-Iraq war veterans, and”.

(c) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) TERMINAL DEVELOPMENT PROJECTS.—

“(1) IN GENERAL.—The Secretary may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

“(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

“(i) all the safety equipment required for certification of the airport under section 44706;

“(ii) all the security equipment required by regulation; and

“(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

“(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

“(C) under terms necessary to protect the interests of the Government.

“(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

“(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

“(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary’s approval.”;

(3) in paragraphs (3) and (4)(A) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking “subsection (b)(1) and (2)” and inserting “subsections (c)(1) and (c)(2)”;

(5) in paragraphs (2)(A), (3), and (4) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d) of this title” and inserting “subsection (a)”;

(6) in paragraph (2)(B) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(7) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(8) by adding at the end the following:

“(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than \$20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).”.

(d) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

“(1) a summary of airport development and planning completed;

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated;

“(4) the allocation of appropriations; and”.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking “47102(3)(F),”;

(2) in subsection (b)—

(A) by striking “47102(3)(F),”;

(B) by striking “47103(3)(F),”.

(f) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting “46319,” after “46318,”.

(g) OTHER CONFORMING AMENDMENTS.—

(1) Sections 40117(a)(3)(B) is amended by striking “section 47110(d)” and inserting “section 47119(a)”.

(2) Section 47108(e)(3) is amended—

(A) by striking “section 47110(d)(2)” and inserting “section 47119(a)”;

(B) by striking “section 47110(d)” and inserting “section 47119(a)”.

(h) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking “(other than real property)” and all that follows through “(10 U.S.C. 2687 note)”.

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking “Airport Capacity Benchmark Report 2001” and inserting “2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration’s most recent airport capacity benchmark report”.

SEC. 153. AIRPORT MASTER PLANS.

Section 47101 is amended by adding at the end the following:

“(i) ADDITIONAL GOALS FOR AIRPORT MASTER PLANS.—In addition to the goals set forth in subsection (g)(2), the Secretary shall encourage airport sponsors and State and local officials, through Federal Aviation Administration advisory circulars, to consider customer convenience, airport ground access, and access to airport facilities in airport master plans.”.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States faces a great national challenge as the Nation's aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 11,000,000 jobs in the United States and contributes approximately \$741,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the "NextGen System") is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

(6) The benefits of the NextGen System, in terms of promoting economic growth and development, are enormous.

(7) The NextGen System will guide the path of the United States air transportation system in the challenging years ahead.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation's transportation infrastructure;

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Next Generation Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission to ensure that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must work together, carefully integrating and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.—Sec-

tion 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator."

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking "; and" and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

"(J) working to ensure global interoperability of the Next Generation Air Transportation System;

"(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

"(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

"(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements."

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking "(4)" and inserting "(4)(A)"; and

(B) by adding at the end the following:

"(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

"(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

"(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

"(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

"(C) The head of a Federal agency referred to in subparagraph (B) shall ensure that—

"(i) the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B); and

"(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation.

"(D) The head of a Federal agency referred to in subparagraph (B) shall—

"(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

"(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

"(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity."

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

"(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

"(B) The Director, to the maximum extent practicable, shall—

"(i) ensure that—

"(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

"(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

"(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

"(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

"(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration."

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "meets air" and inserting "meets anticipated future air"; and

(B) by striking "beyond those currently included in the Federal Aviation Administration's operational evolution plan";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting "; and"; and

(4) by adding at the end the following:

"(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

"(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

"(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency

or entity conducting activities relating to the Next Generation Air Transportation System;

“(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System’s end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

“(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity’s responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

“(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

“(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

“(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

“(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.”.

(c) **NEXTGEN IMPLEMENTATION PLAN.**—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

“(d) **NEXTGEN IMPLEMENTATION PLAN.**—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the ‘NextGen Implementation Plan’, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 709(e) of such Act (117 Stat. 2584) is amended by striking “2010” and inserting “2012”.

(e) **CONTINGENCY PLANNING.**—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) **MEETINGS.**—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following “and shall meet at least twice each year”.

(b) **ANNUAL REPORT.**—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(e) **ANNUAL REPORT.**—

“(1) **SUBMISSION TO CONGRESS.**—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President’s budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

“(2) **CONTENTS.**—The report shall include—

“(A) a copy of the updated integrated work plan;

“(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

“(C) a detailed description of—

“(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

“(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

“(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

“(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President’s budget request.”.

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) **REPORT ON FAA PROGRAM AND SCHEDULE.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as “ADS-B”) technology into the national airspace system.

(2) **CONTENTS.**—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications;

(C) a description of possible options for expanding surveillance coverage beyond the ground stations currently under contract, including enhanced ground signal coverage at airports; and

(D) a detailed description of the protections that the Administration will require as part of any contract or program in the event of a contractor’s default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) **SUBMISSION TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) **REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.**—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

(2) provide that the assets, equipment, hardware, and software used in the performance of the contract be designated as critical national infrastructure for national security and related purposes;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware,

and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) **REVIEW BY DOT INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration’s award and oversight of any contract entered into by the Administration to provide ADS-B services for the national airspace system.

(2) **CONTENTS.**—The review shall include, at a minimum—

(A) an examination of how program risks are being managed;

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the implementation of advanced operational procedures and air-to-air applications as well as to the extent to which ground radar will be retained;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration’s program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) **REPORTS TO CONGRESS.**—The Inspector General shall periodically, on at least an annual basis, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) **PARTICIPATION.**—

(1) **BARGAINING OBLIGATIONS AND RIGHTS.**—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) **CAPACITY AND COMPENSATION.**—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of this section.

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) **IN GENERAL.**—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the "NextGen System").

(b) **REVIEW.**—The review shall include the following:

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the "JPDO") in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

(6) An examination of transition planning by the Air Traffic Organization and the JPDO.

(7) Any other matters or aspects of planning and coordination of the NextGen System by the Federal Aviation Administration and the JPDO that the Comptroller General determines appropriate.

(c) **REPORTS.**—

(1) **REPORT TO CONGRESS ON PRIORITIES.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.**—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) **STUDY.**—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transportation System (in this section referred to as the "NextGen System").

(b) **SPECIFIC SYSTEMS REVIEW.**—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) **REVIEW.**—The review shall include, at a minimum, an assessment of the progress and

challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) **PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.**—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) **REVIEW.**—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the national airspace system.

(b) **ASSESSMENTS.**—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) **REVIEW.**—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) **CONTENTS.**—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review conducted pursuant to subsection (a).

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2010 through 2012 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting "with or" before "without reimbursement".

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) runway lighting and airport surface visual and other navigation aids;

"(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

"(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications";

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking "another structure" and inserting "any structure, equipment,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) buildings, equipment, and systems dedicated to the national airspace system.".

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation" and inserting "compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended".

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting "; and";

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting "public and private" before "foreign aviation authorities"; and

(B) by striking the period at the end of the first sentence and inserting "or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears."; and

(2) in paragraph (3) by striking "credited" and all that follows through the period at the

end and inserting “credited as an offsetting collection to the account from which the expenses were incurred in providing such services and shall remain available until expended.”.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator shall take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) **DETERMINATIONS.**—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) **ESTABLISHMENT OF MONITORING SYSTEM.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(b) **COMPONENTS.**—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(4) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) **ESTABLISHMENT.**—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2010 through 2012 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) **FUNCTIONS.**—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) **FINDINGS.**—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the document known as the “NextGen Implementation Plan”.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2010 to 2012 will not provide estimated capacity benefits without additional funds.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration \$20,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) **ADDITIONAL AMOUNTS.**—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use \$5,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) **JUDICIAL REVIEW OF NTSB DECISIONS.**—Section 44703(d) is amended by adding at the end the following:

“(3) **JUDICIAL REVIEW.**—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

(b) **CONFORMING AMENDMENT.**—Section 1153(c) is amended by striking “section 44709 or” and inserting “section 44703(d), 44709, or”.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) **RELEASE OF DATA.**—Section 44704(a) is amended by adding at the end the following:

“(5) **RELEASE OF DATA.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 or more years;

“(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

“(iii) making such data available will enhance aviation safety.

“(B) **ENGINEERING DATA DEFINED.**—In this section, the term ‘engineering data’ as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.”.

(b) **DESIGN ORGANIZATION CERTIFICATES.**—Section 44704(e)(1) is amended by striking “Beginning 7 years after the date of enactment of this subsection,” and inserting “Beginning January 1, 2014,”.

SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) **IN GENERAL.**—Chapter 447 is amended by adding at the end the following:

“§ 44730. Inspection of foreign repair stations

“(a) **IN GENERAL.**—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall—

“(1) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year;

“(2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components; and

“(3) continue to hold discussions with countries that have foreign repair stations that perform work on air carrier aircraft and components to ensure harmonization of the safety standards of such countries with those of the United States, including standards governing maintenance requirements, education and licensing of maintenance personnel, training, oversight, and mutual inspection of work sites.

“(b) **REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.**—With respect to repair stations that are located in countries that are party to the agreement entitled “Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety”, dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“44730. Inspection of foreign repair stations.”.

SEC. 304. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

- (A) shall include, at a minimum—
 - (i) goals to improve runway safety;
 - (ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;
 - (iii) timeframes and resources needed for the actions described in clause (ii); and
 - (iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and
- (B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 305. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

- (1) be resistant to tampering, alteration, and counterfeiting;
- (2) include a photograph of the individual to whom the license is issued; and
- (3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 306. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

- (1) research on pilot fatigue, sleep, and circadian rhythms;
- (2) sleep and rest requirements of pilots recommended by the National Aeronautics and

Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) FLIGHT ATTENDANT FATIGUE.—

(1) STUDY.—The Administrator, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(2) CONTENTS.—The study shall include the following:

- (A) A survey of field operations of flight attendants.
- (B) A study of incident reports regarding flight attendant fatigue.
- (C) Field research on the effects of such fatigue.
- (D) A validation of models for assessing flight attendant fatigue.
- (E) A review of international policies and practices regarding flight limitations and rest of flight attendants.
- (F) An analysis of potential benefits of training flight attendants regarding fatigue.

(3) REPORT.—Not later than June 30, 2010, the Administrator shall submit to Congress a report on the results of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 303 of this Act) is further amended by adding at the end the following:

“§44731. Occupational safety and health standards for flight attendants on board aircraft

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

“(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

“(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

“(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

“(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

- “(1) Record keeping.
- “(2) Blood borne pathogens.
- “(3) Noise.
- “(4) Sanitation.
- “(5) Hazard communication.
- “(6) Anti-discrimination.
- “(7) Access to employee exposure and medical records.
- “(8) Temperature standards for the aircraft cabin.

“(d) REGULATIONS.—

“(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

“(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

“(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

“(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

“(f) OVERSIGHT.—

“(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

“(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

“(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

“(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

“(i) FLIGHT ATTENDANT DEFINED.—In this section, the term ‘flight attendant’ has the meaning given that term by section 44728.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

“44731. Occupational safety and health standards for flight attendants on board aircraft.”.

SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator

shall submit to Congress a report containing the results of the review.

SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) **ISSUANCE OF REGULATIONS.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) **PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.**—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) **PLAN.**—

(1) **DEVELOPMENT.**—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COVERED MAINTENANCE WORK.**—The term “covered maintenance work” means maintenance work that is essential, regularly scheduled, or a required inspection item, as determined by the Administrator.

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) **PART 145 REPAIR STATION.**—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) **NONCERTIFICATED MAINTENANCE PROVIDER.**—The term “noncertificated maintenance provider” means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) **RULEMAKING PROCEEDING.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (“ARFF”) under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) **CONTENTS OF PROPOSED AND FINAL RULE.**—The proposed and final rule to be issued under subsection (a) shall address the following:

(1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

(2) The proper level of staffing.

(3) The timeliness of a response.

(4) The handling of hazardous materials incidents at airports.

(5) Proper vehicle deployment.

(6) The need for equipment modernization.

(c) **CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.**—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) **ASSESSMENTS OF POTENTIAL IMPACTS.**—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) **INCONSISTENCY WITH STANDARDS.**—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) **FINAL RULE.**—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

SEC. 312. COCKPIT SMOKE.

(a) **STUDY.**—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to preventing or mitigating the effects of dense continuous smoke in the cockpit of a commercial aircraft.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 313. SAFETY OF HELICOPTER AIR AMBULANCE OPERATIONS.

(a) **IN GENERAL.**—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§44732. Helicopter air ambulance operations

“(a) **RULEMAKING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations.

“(b) **MATTERS TO BE ADDRESSED.**—In conducting the rulemaking proceeding under subsection (a), the Administrator shall address the following:

“(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

“(2) Pilot training standards, including—

“(A) mandatory training requirements, including a minimum time for completing the training requirements;

“(B) training subject areas, such as communications procedures and appropriate technology use;

“(C) establishment of training standards in—

“(i) crew resource management;

“(ii) flight risk evaluation;

“(iii) preventing controlled flight into terrain;

“(iv) recovery from inadvertent flight into instrument meteorological conditions;

“(v) operational control of the pilot in command; and

“(vi) use of flight simulation training devices and line oriented flight training.

“(3) Safety-enhancing technology and equipment, including—

“(A) helicopter terrain awareness and warning systems;

“(B) radar altimeters;

“(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

“(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

“(4) Such other matters as the Administrator considers appropriate.

“(c) **MINIMUM REQUIREMENTS.**—In issuing a final rule under subsection (a), the Administrator, at a minimum, shall provide for the following:

“(1) **FLIGHT RISK EVALUATION PROGRAM.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

“(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

“(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

“(C) requires the pilots of the certificate holder to use the checklist.

“(2) **OPERATIONAL CONTROL CENTER.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

“(3) **COMPLIANCE.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 135 of title 14, Code of Federal Regulations, including regulations on weather minima and flight and duty time whenever medical personnel are onboard the aircraft.

“(d) **DEADLINES.**—The Administrator shall—

“(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (a); and

“(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

“(e) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term ‘part 135 certificate holder’ means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

“§44733. Collection of data on helicopter air ambulance operations

“(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

“(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

“(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

“(3) The number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight).

“(4) The number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents.

“(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services.

“(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services.

“(b) **REPORTING PERIOD.**—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

“(c) **DATABASE.**—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

“(d) **REPORT TO CONGRESS.**—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

“(e) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term ‘part 135 certificate holder’ means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“Sec. 44732. Helicopter air ambulance operations.

“Sec. 44733. Collection of data on helicopter air ambulance operations.”.

SEC. 314. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing helicopter air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) **REPORT TO CONGRESS.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 315. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) **IN GENERAL.**—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and rec-

ommendations pertinent to ensuring a safe air ambulance industry.

(b) **REQUIRED INFORMATION.**—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) **ANALYSIS AND RECOMMENDATIONS.**—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) **REPORT.**—Not later than June 1, 2010, the Comptroller General shall submit to the Secretary of Transportation and the appropriate committees of Congress a report containing its findings and recommendations regarding the study under this section.

(e) **ADOPTION OF RECOMMENDED POLICY CHANGES.**—Not later than 60 days after the date

of receipt of the report under subsection (d), the Secretary shall issue a report to the appropriate committees of Congress, that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term “part 135 certificate holder” means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) **INTEGRATION PLAN.**—

(1) **COMPREHENSIVE PLAN.**—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) **MINIMUM REQUIREMENTS.**—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator, pilot, and programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) **DEADLINE.**—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2013.

(4) **REPORT TO CONGRESS.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) **RULEMAKING.**—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(c) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) **IN GENERAL.**—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

(b) **ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.**—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) **REQUIREMENTS FOR SAFE OPERATION.**—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) **CERTIFICATE OF AUTHORIZATION.**—The term “certificate of authorization” means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) **DETECT, SENSE, AND AVOID CAPABILITY.**—The term “detect, sense, and avoid capability” means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) **PUBLIC UNMANNED AIRCRAFT SYSTEM.**—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(5) **TEST RANGE.**—The term “test range” means a defined geographic area where research and development are conducted.

(6) **UNMANNED AIRCRAFT.**—The term “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) **UNMANNED AIRCRAFT SYSTEM.**—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

Subtitle C—Safety and Protections

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

“(s) **AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.**—

“(1) **ESTABLISHMENT.**—There is established in the Federal Aviation Administration (in this subsection referred to as the ‘Agency’) an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the ‘Office’).

“(2) **DIRECTOR.**—

“(A) **APPOINTMENT.**—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) **REPORTS AND RECOMMENDATIONS TO SECRETARY.**—The Director shall provide regular reports to the Secretary of Transportation. The Director may recommend that the Secretary take any action necessary for the Office to carry out its functions, including protection of complainants and witnesses.

“(C) **QUALIFICATIONS.**—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(D) **TERM.**—The Director shall be appointed for a term of 5 years.

“(E) **VACANCY.**—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

“(3) **COMPLAINTS AND INVESTIGATIONS.**—

“(A) **AUTHORITY OF DIRECTOR.**—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

“(I) further investigation by the Office, the Inspector General of the Department of Transportation, or other appropriate investigative body; or

“(II) corrective actions.

“(B) **DISCLOSURE OF IDENTITIES.**—The Director shall not disclose the identity or identifying information of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

“(C) **INDEPENDENCE OF DIRECTOR.**—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) **ACCESS TO INFORMATION.**—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to, and can order the retention of, all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred. The Director may order sworn testimony from appropriate witnesses during the course of an investigation.

“(E) **PROCEDURE.**—The Office shall establish procedures equivalent to sections 1213(d) and 1213(e) of title 5 for investigation, report, employee comment, and evaluation by the Secretary for any investigation conducted pursuant to paragraph (3)(A).

“(4) **RESPONSES TO RECOMMENDATIONS.**—The Administrator shall—

“(A) respond within 60 days to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation, in accordance with established record retention requirements; and

“(B) ensure that the findings of all referrals for further investigation or corrective actions taken are reported to the Director.

“(5) **INCIDENT REPORTS.**—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Secretary, the Administrator, and the Inspector General of the Department of Transportation.

“(6) **REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.**—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) **RETALIATION AGAINST AGENCY EMPLOYEES.**—Any retaliatory action taken or threatened against an employee of the Agency for good faith participation in activities under this subsection is prohibited. The Director shall make all policy recommendations and specific requests to the Secretary for relief necessary to protect employees of the Agency who initiate or participate in investigations under this subsection. The Secretary shall respond in a timely manner and shall share the responses with the appropriate committees of Congress.

“(8) **DISCIPLINARY ACTIONS.**—The Secretary shall exercise the Secretary’s authority under section 2302 of title 5 for the prevention of prohibited personnel actions in any case in which the prohibited personnel action is taken against an employee of the Agency who, in good faith, has reported the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety. In exercising such authority, the Secretary may subject an employee of the Agency who has taken or failed to take, or threatened to take or fail to take, a personnel action in violation of such section to a disciplinary action up to and including termination.

“(9) **ANNUAL REPORTS TO CONGRESS.**—Not later than October 1 of each year, the Director shall submit to Congress a public report containing—

“(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations, corrective actions recommended, and referrals in response to the submissions;

“(D) summaries of the responses of the Administrator to such recommendations; and

“(E) an evaluation of personnel and resources necessary to effectively support the mandate of the Office.”.

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) **FINDINGS.**—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the “Agency”) to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vision statement in which it stated that it has a “vision” of “being responsive to our customers

and accountable to the public” and, in 2003, issued a customer service initiative that required aviation inspectors to treat air carriers and other aviation certificate holders as “customers” rather than regulated entities.

(4) The initiatives described in paragraph (3) appear to have given regulated entities and Agency inspectors the impression that the management of the Agency gives an unduly high priority to the satisfaction of regulated entities regarding its inspection and certification decisions and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or other entities regulated by the Agency as “customers”;

(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and

(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator’s responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

“(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

“(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as the ‘Agency’) if the individual, in the preceding 2-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) IN GENERAL.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the “Agency”) may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) TRANSITIONAL PROVISION.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) ISSUANCE OF ORDER.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section.

SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Federal Aviation Administration (in this section referred to as the “Agency”) is reviewed by a team of employees of the Agency, including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term “Voluntary Disclosure Reporting Program” means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers implement comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that the violation, or another violation occurring under the same circumstances, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration (FAA) aware of violations that the FAA would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(C) the information the FAA gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads FAA investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

Subtitle D—Airline Safety and Pilot Training Improvement

SEC. 341. SHORT TITLE.

This subtitle may be cited as the “Airline Safety and Pilot Training Improvement Act of 2010”.

SEC. 342. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle, the following definitions apply:

(1) ADVANCED QUALIFICATION PROGRAM.—The term “advanced qualification program” means the program established by the Federal Aviation Administration in Advisory Circular 120–54A, dated June 23, 2006, including any subsequent revisions thereto.

(2) AIR CARRIER.—The term “air carrier” has the meaning given that term in section 40102 of title 49, United States Code.

(3) AVIATION SAFETY ACTION PROGRAM.—The term “aviation safety action program” means the program established by the Federal Aviation Administration in Advisory Circular 120–66B, dated November 15, 2002, including any subsequent revisions thereto.

(4) FLIGHT CREWMEMBER.—The term “flight crewmember” has the meaning given that term in part 1.1 of title 14, Code of Federal Regulations.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term “flight operational quality assurance program” means the program established by the Federal Aviation Administration in Advisory Circular 120–82, dated April 12, 2004, including any subsequent revisions thereto.

(6) LINE OPERATIONS SAFETY AUDIT.—The term “line operations safety audit” means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

(7) PART 121 AIR CARRIER.—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(8) PART 135 AIR CARRIER.—The term “part 135 air carrier” means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 343. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

(a) **ESTABLISHMENT.**—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the “Task Force”).

(b) **COMPOSITION.**—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

(c) **DUTIES.**—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

(1) Air carrier management responsibilities for flight crewmember education and support.

(2) Flight crewmember professional standards.

(3) Flight crewmember training standards and performance.

(4) Mentoring and information sharing between air carriers.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, and before the last day of each 180-day period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(1) the progress of the Task Force in identifying best practices in the air carrier industry;

(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

(4) the progress of air carriers and labor unions in implementing training-related, non-regulatory actions recommended by the Administrator; and

(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

(e) **TERMINATION.**—The Task Force shall terminate on September 30, 2012.

(f) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 344. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

(a) **RULEMAKING PROCEEDINGS.**—

(1) **STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

(2) **REMEDIAL TRAINING PROGRAMS.**—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

(3) **DEADLINES.**—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the

rulemaking under each of paragraphs (1) and (2).

(b) **STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.**—

(1) **MULTIDISCIPLINARY PANEL.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) **REPORT TO CONGRESS AND NTSB.**—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **FLIGHT TRAINING AND FLIGHT SIMULATOR.**—The terms “flight training” and “flight simulator” have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

(2) **STALL.**—The term “stall” means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

(3) **STICK PUSHER.**—The term “stick pusher” means a device that, at or near a stall, applies a nose down pitch force to an aircraft’s control columns to attempt to decrease the aircraft’s angle of attack.

(4) **UPSET.**—The term “upset” means an unusual aircraft attitude.

SEC. 345. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) **IN GENERAL.**—The first sentence of section 1135(a) of title 49, United States Code, is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) **AIR CARRIER SAFETY RECOMMENDATIONS.**—Section 1135 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) **ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) **RECOMMENDATIONS TO BE COVERED.**—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

“(3) **CONTENTS.**—

“(A) **PLANS TO ADOPT RECOMMENDATIONS.**—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) **REFUSALS TO ADOPT RECOMMENDATIONS.**—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”.

SEC. 346. FAA PILOT RECORDS DATABASE.

(a) **RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.**—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:

“(16) **APPLICABILITY.**—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”.

(b) **ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.**—Section 44703 of such title is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(i) **FAA PILOT RECORDS DATABASE.**—

“(1) **IN GENERAL.**—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

“(2) **PILOT RECORDS DATABASE.**—The Administrator shall establish an electronic database (in this subsection referred to as the “database”) containing the following records:

“(A) **FAA RECORDS.**—From the Administrator—

“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

“(B) **AIR CARRIER AND OTHER RECORDS.**—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

“(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual’s performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

“(III) any release from employment or resignation, termination, or disqualification with respect to employment.

“(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

“(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

“(4) REPORTING.—

“(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

“(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

“(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

“(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

“(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

“(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

“(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual's records from the database after that date.

“(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) PRIVACY PROTECTIONS.—

“(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may

be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

“(B) DISCLOSURE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to—

“(I) de-identified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

“(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a

pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under section 106(k)(1), there is authorized to be expended to carry out this subsection such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.

“(15) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

“(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

“(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”; and

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”; and

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”; and

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”; and

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) **LIMITATION ON STATUTORY CONSTRUCTION.**—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 347. FAA RULEMAKING ON TRAINING PROGRAMS.

(a) **COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.**—Not later than 14 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

(b) **EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) **ASSESSMENT AND RECOMMENDATIONS.**—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

SEC. 348. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

(a) **REVIEW BY DOT INSPECTOR GENERAL.**—Not later than 9 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct a review of aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

(b) **PURPOSES.**—The purpose of the review shall be, at a minimum—

(1) to review the level of the Administration's oversight of each part 121 air carrier;

(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

(3) to assess the number and level of experience of aviation safety inspectors assigned to such carriers;

(4) to evaluate how the Administration is making assignments of aviation safety inspectors to such carriers;

(5) to review various safety inspector oversight programs, including the geographic inspector program;

(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of air carriers;

(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allowing access by aviation safety inspectors and operational research analysts to assist in the oversight of part 121 air carriers; and

(10) to conduct such other analyses as the Inspector General considers relevant to the purpose of the review.

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the date of receipt of the report submitted under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) that specifies which, if any, policy changes recommended by the Inspector General under this section the Administrator intends to adopt and implement;

(2) that includes an explanation of how the Administrator plans to adopt and implement such policy changes; and

(3) in any case in which the Administrator does not intend to adopt a policy change recommended by the Inspector General, that includes an explanation of the reasons for the decision not to adopt and implement the policy change.

SEC. 349. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) **RULEMAKING PROCEEDING.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require each part 121 air carrier to take the following actions:

(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots shall receive, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the Administrator determines appropriate to enhance flight crewmember professional development.

(2) **COMPLIANCE WITH STERILE COCKPIT RULE.**—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

(3) **STREAMLINED PROGRAM REVIEW.**—

(A) **IN GENERAL.**—As part of the rulemaking required by subsection (a), the Administrator

shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) **EXPEDITED APPROVALS.**—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 350. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

(a) **REQUIREMENTS.**—

(1) **RULEMAKING PROCEEDING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(2) **MINIMUM REQUIREMENTS.**—

(A) **PROSPECTIVE FLIGHT CREWMEMBERS.**—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive pre-employment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

(B) **ALL FLIGHT CREWMEMBERS.**—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act, all flight crewmembers—

(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

(b) **DEADLINES.**—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 351. AIRLINE TRANSPORT PILOT CERTIFICATION.

(a) **RULEMAKING PROCEEDING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

(b) **MINIMUM REQUIREMENTS.**—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

(A) function effectively in a multiengine environment;

(B) function effectively in adverse weather conditions, including icing conditions;

(C) function effectively during high altitude operations;

(D) adhere to the highest professional standards; and

(E) function effectively in an air carrier operational environment.

(c) **FLIGHT HOURS.**—

(1) **NUMBERS OF FLIGHT HOURS.**—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

(2) **FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.**—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

(d) **CREDIT TOWARD FLIGHT HOURS.**—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

(e) **RECOMMENDATIONS OF EXPERT PANEL.**—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 7(b) of this Act.

(f) **DEADLINE.**—Not later than 36 months after the date of enactment of this Act, the Administrator shall issue a final rule under subsection (a).

SEC. 352. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND PILOT ACADEMIC TRAINING.

(a) **GAO STUDY.**—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(b) **MINIMUM CONTENTS OF STUDY.**—The study shall include, at a minimum—

(1) an assessment of the Federal Aviation Administration's oversight of flight schools;

(2) an assessment of the Administration's academic training requirements in effect on the date of enactment of this Act as compared to flight education provided to a pilot by accredited 2- and 4-year universities;

(3) an assessment of the quality of pilots entering the part 121 air carrier workforce from all sources after receiving training from flight training providers, including Aviation Accreditation Board International, universities, pilot training organizations, and the military, utilizing the training records of part 121 air carriers, including consideration of any relationships between flight training providers and air carriers;

(4) a comparison of the academic training requirements for pilots in the United States to the academic training requirements for pilots in other countries;

(5) a determination and description of any improvements that may be needed in the Administration's academic training requirements for pilots;

(6) an assessment of student financial aid and loan options available to individuals interested in enrolling at a flight school for both academic and flight hour training;

(7) an assessment of the Federal Aviation Administration's oversight of general aviation flight schools that offer or would like to offer training programs under part 142 of title 14, Code of Federal Regulations; and

(8) an assessment of whether compliance with the English speaking requirements applicable to pilots under part 61 of such title is adequately tested and enforced.

(c) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 353. VOLUNTARY SAFETY PROGRAMS.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

(b) **CONTENTS.**—The report shall include—

(1) a list of—

(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

(B) the voluntary safety programs each air carrier is using;

(2) if an air carrier is not using one or more of the voluntary safety programs—

(A) a list of such programs the carrier is not using; and

(B) the reasons the carrier is not using each such program;

(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

(5) an explanation of—

(A) where the data derived from such programs is stored;

(B) how the data derived from such programs is protected and secured; and

(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

(6) a description of the extent to which aviation safety inspectors are able to review data derived from such programs to enhance their oversight responsibilities;

(7) a description of how the Administration plans to incorporate operational trends identified under such programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;

(8) other plans to strengthen such programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

(9) such other matters as the Administrator determines are appropriate.

SEC. 354. ASAP AND FOQA IMPLEMENTATION PLAN.

(a) **DEVELOPMENT AND IMPLEMENTATION PLAN.**—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

(b) **MATTERS TO BE CONSIDERED.**—In developing the plan under subsection (a), the Administrator shall consider—

(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive benefit from establishing a flight operational quality assurance program;

(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representa-

tives and the Committee on Science, Commerce, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

(d) **DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.**—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

SEC. 355. SAFETY MANAGEMENT SYSTEMS.

(a) **RULEMAKING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

(b) **MATTERS TO CONSIDER.**—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

(1) An aviation safety action program.

(2) A flight operational quality assurance program.

(3) A line operations safety audit.

(4) An advanced qualification program.

(c) **DEADLINES.**—The Administrator shall issue—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

(d) **SAFETY MANAGEMENT SYSTEM DEFINED.**—In this section, the term “safety management system” means the program established by the Federal Aviation Administration in Advisory Circular 120-92, dated June 22, 2006, including any subsequent revisions thereto.

SEC. 356. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 of title 49, United States Code, is amended by adding at the end the following:

“(c) **DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.**—

“(1) **IN GENERAL.**—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) **INTERNET OFFERS.**—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”.

SEC. 357. PILOT FATIGUE.

(a) **FLIGHT AND DUTY TIME REGULATIONS.**—

(1) **IN GENERAL.**—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) **MATTERS TO BE ADDRESSED.**—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones or on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

(M) Any other matters the Administrator considers appropriate.

(3) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(B) not later than one year after the date of enactment of this Act, a final rule under subsection (a).

(b) **FATIGUE RISK MANAGEMENT PLAN.**—

(1) **SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.**—Not later than 90 days after the date of enactment of this section, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) **CONTENTS OF PLAN.**—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

- (i) fatigue;
- (ii) the effects of fatigue on pilots; and
- (iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

- (i) to improve alertness; and
- (ii) to mitigate performance errors.

(3) **PLAN UPDATES.**—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) **APPROVAL.**—

(A) **INITIAL APPROVAL OR MODIFICATION.**—Not later than 9 months after the date of enactment of this section, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) **UPDATE APPROVAL OR MODIFICATION.**—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) **CIVIL PENALTIES.**—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) **LIMITATION ON APPLICABILITY.**—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) **EFFECT OF COMMUTING ON FATIGUE.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) **STUDY.**—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled "Aviation Fatigue Management Symposium: Partnerships for Solutions";

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) **PRELIMINARY FINDINGS.**—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) **REPORT.**—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator a report containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) **RULEMAKING.**—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 358. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing and crew resource management techniques.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. SMOKING PROHIBITION.

(a) **IN GENERAL.**—Section 41706 is amended—

(1) in the section heading by striking "**scheduled**" and inserting "**passenger**"; and

(2) by striking subsections (a) and (b) and inserting the following:

"(a) **SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.**—An individual may not smoke in an aircraft—

"(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

"(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

"(b) **SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.**—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

"(1) in scheduled passenger foreign air transportation; and

"(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government)."

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

"41706. Prohibitions against smoking on flights."

SEC. 402. MONTHLY AIR CARRIER REPORTS.

(a) **IN GENERAL.**—Section 41708 is amended by adding at the end the following:

"(c) **DIVERTED AND CANCELLED FLIGHTS.**—

"(1) **MONTHLY REPORTS.**—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

"(2) **APPLICABILITY.**—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

"(3) **CONTENTS.**—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

"(A) For a diverted flight—

- "(i) the flight number of the diverted flight;
- "(ii) the scheduled destination of the flight;
- "(iii) the date and time of the flight;
- "(iv) the airport to which the flight was diverted;

"(v) wheels-on time at the diverted airport;

"(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

"(vii) if the flight arrives at the scheduled destination airport—

"(I) the gate-departure time at the diverted airport;

"(II) the wheels-off time at the diverted airport;

"(III) the wheels-on time at the scheduled arrival airport; and

"(IV) the gate arrival time at the scheduled arrival airport.

"(B) For flights cancelled after gate departure—

"(i) the flight number of the cancelled flight;

"(ii) the scheduled origin and destination airports of the cancelled flight;

"(iii) the date and time of the cancelled flight;

"(iv) the gate-departure time of the cancelled flight; and

"(v) the time the aircraft returned to the gate.

"(4) **PUBLICATION.**—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the website of the Department of Transportation."

(b) **EFFECTIVE DATE.**—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 403. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) **BEYOND PERIMETER EXEMPTIONS.**—Section 41718(a) is amended by striking "24" and inserting "34".

(b) **LIMITATIONS.**—Section 41718(c)(2) is amended by striking "3 operations" and inserting "5 operations".

(c) **ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.**—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) **SLOTS.**—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of

title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).”

(d) **SCHEDULING PRIORITY.**—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) **SCHEDULING PRIORITY.**—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.”

SEC. 404. EAS CONTRACT GUIDELINES.

(a) **COMPENSATION GUIDELINES.**—Section 41737(a)(1) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

“(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.”

(b) **DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by subsection (a).

(c) **REPORT.**—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 405. ESSENTIAL AIR SERVICE REFORM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 41742(a)(2) of title 49, United States Code, is amended by striking “there is authorized to be appropriated \$77,000,000” and inserting “there is authorized to be appropriated out of the Airport and Airway Trust Fund \$150,000,000”.

(b) **DISTRIBUTION OF EXCESS FUNDS.**—

(1) **IN GENERAL.**—Section 41742(a) is amended by adding at the end the following:

“(4) **DISTRIBUTION OF EXCESS FUNDS.**—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the \$50,000,000 made available for such fiscal year under paragraph (1)—

“(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

“(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).”

(2) **CONFORMING AMENDMENT.**—Section 41742(b) is amended—

(A) in the first sentence by striking “moneys credited” and all that follows before “shall be used” and inserting “amounts made available under subsection (a)(4)(B)”; and

(B) in the second sentence by striking “any amounts from those fees” and inserting “any of such amounts”.

SEC. 406. SMALL COMMUNITY AIR SERVICE.

(a) **PRIORITIES.**—Section 41743(c)(5) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) in subparagraph (E) by striking “fashion.” and inserting “fashion; and”; and

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a regional or multistate application to improve air service.”

(b) **EXTENSION OF AUTHORIZATION.**—Section 41743(e)(2) is amended by striking “2009” and inserting “2012”.

SEC. 407. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) **IN GENERAL.**—Subtitle VII is amended by inserting after chapter 421 the following:

“CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

“42304. Notification of flight status by text message or email.

“§ 42301. Emergency contingency plans

“(a) **SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.**—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

“(b) **COVERED AIR TRANSPORTATION DEFINED.**—In this section, the term ‘covered air transportation’ means scheduled passenger air transportation provided by an air carrier using aircraft with more than 30 seats.

“(c) **AIR CARRIER PLANS.**—

“(1) **PLANS FOR INDIVIDUAL AIRPORTS.**—An air carrier shall submit an emergency contingency plan under subsection (a) for—

“(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

“(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

“(2) **CONTENTS.**—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

“(A) provide food, water that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

“(B) allow passengers to deplane following excessive delays; and

“(C) share facilities and make gates available at the airport in an emergency.

“(d) **AIRPORT PLANS.**—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain—

“(1) a description of how the airport operator, to the maximum extent practicable, will provide for the deplanement of passengers following ex-

cessive delays and will provide for the sharing of facilities and make gates available at the airport in an emergency; and

“(2) in the case of an airport that is used by an air carrier or foreign air carrier for flights in foreign air transportation, a description of how the airport operator will provide for use of the airport’s terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.

“(e) **UPDATES.**—

“(1) **AIR CARRIERS.**—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

“(2) **AIRPORTS.**—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

“(f) **APPROVAL.**—

“(1) **IN GENERAL.**—Not later than 9 months after the date of enactment of this section, the Secretary shall review and approve or require modifications to emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

“(2) **CIVIL PENALTIES.**—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

“(g) **MINIMUM STANDARDS.**—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

“(h) **PUBLIC ACCESS.**—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet website of the carrier or airport or by such other means as determined by the Secretary.

“§ 42302. Consumer complaints

“(a) **CONSUMER COMPLAINTS HOTLINE TELEPHONE NUMBER.**—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

“(b) **PUBLIC NOTICE.**—The Secretary shall notify the public of the telephone number established under subsection (a).

“(c) **NOTICE TO PASSENGERS OF AIR CARRIERS.**—An air carrier providing scheduled air transportation using aircraft with 30 or more seats shall include on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier—

“(1) the hotline telephone number established under subsection (a);

“(2) the email address, telephone number, and mailing address of the air carrier; and

“(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of reports by passengers about air travel service problems.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

“§ 42303. Use of insecticides in passenger aircraft

“(a) **INFORMATION TO BE PROVIDED ON THE INTERNET.**—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a

flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

“(b) **REQUIRED DISCLOSURES.**—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall—

“(1) disclose, on its own Internet Web site or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

“(2) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.

“§42304. Notification of flight status by text message or email

“Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least 1 percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

“(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier a notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

“(2) the notification if the passenger requests the notification.”.

(b) **CLERICAL AMENDMENT.**—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

“423. Air Passenger Service Improvements 42301”.

(c) **PENALTIES.**—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting “chapter 423,” after “chapter 421.”.

(d) **APPLICABILITY OF REQUIREMENTS.**—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 408. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking “patterns of air service.”;

(2) by inserting “and” before “whether.”; and

(3) by striking “, and airfare levels” and all that follows before the period.

SEC. 409. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking “October 1, 2009” and inserting “September 30, 2012”.

SEC. 410. CONTRACT TOWER PROGRAM.

(a) **COST-BENEFIT REQUIREMENT.**—Section 47124(b) is amended—

(1) by striking “(1) The Secretary” and inserting the following:

“(1) **CONTRACT TOWER PROGRAM.**—

“(A) **CONTINUATION AND EXTENSION.**—The Secretary”;

(2) by adding at the end of paragraph (1) the following:

“(B) **SPECIAL RULE.**—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

“(C) **USE OF EXCESS FUNDS.**—If the Secretary finds that all or part of an amount made available to carry out the program continued under

this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).”; and

(3) by striking “(2) The Secretary” and inserting the following:

“(2) **GENERAL AUTHORITY.**—The Secretary”.

(1) Section 47124(b)(3)(E) is amended to read as follows:

“(E) **FUNDING.**—Of the amounts appropriated pursuant to section 106(k), not more than \$9,500,000 for fiscal year 2010, \$10,000,000 for fiscal year 2011, and \$10,000,000 for fiscal year 2012 may be used to carry out this paragraph.”.

(2) **USE OF EXCESS FUNDS.**—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following:

“(E) **USE OF EXCESS FUNDS.**—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).”.

(c) **FEDERAL SHARE.**—Section 47124(b)(4)(C) is amended by striking “\$1,500,000” and inserting “\$2,000,000”.

(d) **SAFETY AUDITS.**—Section 47124 is amended by adding at the end the following:

“(c) **SAFETY AUDITS.**—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.”.

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) **FINDINGS.**—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home and require members of the Armed Forces to travel with heavy bags; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties and waive baggage fees for a minimum of 3 bags.

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) **REPEAL.**—Section 47147 of title 49, United States Code, and the item relating to such section in the analysis for chapter 417 of such title, are repealed.

(b) **APPLICABILITY.**—Title 49, United States Code, shall be applied as if section 47147 of such title had not been enacted.

SEC. 413. ADJUSTMENT TO SUBSIDY CAP TO REFLECT INCREASED FUEL COSTS.

(a) **IN GENERAL.**—The \$200 per passenger subsidy cap initially established by Public Law 103–

122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) shall be increased by an amount necessary to account for the increase, if any, in the cost of aviation fuel in the 24 months preceding the date of enactment of this Act, as determined by the Secretary.

(b) **ADJUSTMENT OF CAP.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the increased subsidy cap as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

(c) **LIMITATION ON ELIGIBILITY.**—A community that has been determined, pursuant to a final order issued by the Department of Transportation before the date of enactment of this Act, to be ineligible for subsidized air service under subchapter II of chapter 417 of title 49, United States Code, shall not be eligible for the increased subsidy cap established pursuant to this section.

SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 of title 49, United States Code, is amended by adding at the end the following:

“(f) **NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.**—

“(1) **IN GENERAL.**—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

“(2) **PROCEDURES TO AVOID TERMINATION.**—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

“(3) **ASSISTANCE PROVIDED.**—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

“(A) the procedures established pursuant to paragraph (2); and

“(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

“(4) **SUBSIDY CAP DEFINED.**—In this subsection, the term ‘subsidy cap’ means the subsidy cap established by section 332 of Public Law 106–69, including any increase to that subsidy cap established by the Secretary pursuant to the Aviation Safety and Investment Act of 2010.”.

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 413 of this Act) is further amended by adding at the end the following:

“(g) **PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.**—

“(1) **IN GENERAL.**—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap (as defined in subsection (f)), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

“(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

“(A) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap (as defined in subsection (f)); and

“(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).”.

SEC. 416. OFFICE OF RURAL AVIATION.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

“§41749. Office of Rural Aviation

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the ‘Office of Rural Aviation’ (in this section referred to as the ‘Office’).

“(b) FUNCTIONS.—The Office shall—

“(1) monitor the status of air service to small communities;

“(2) develop proposals to improve air service to small communities; and

“(3) carry out such other functions as the Secretary considers appropriate.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

“41749. Office of Rural Aviation.”.

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs, without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) of title 49, United States Code, is amended by striking “continue to pay” and all that follows through “compensation sufficient—” and inserting “provide the carrier with compensation sufficient—”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR-2000-112 and entitled “Audit of Air Carrier Flight Delays and Cancellations”.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers’ scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation’s busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers; and

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) SPECIFIC STUDY REQUIREMENTS.—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of passengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the “advisory committee”) to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each

recommendation not implemented, the Secretary’s reason for not implementing the recommendation.

SEC. 421. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 422. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) make recommendations for establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier’s baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 423. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

SEC. 424. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget

request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 425. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) *IN GENERAL.*—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“§41724. Prohibitions against voice communications using mobile communications devices on scheduled flights

“(a) *INTERSTATE AND INTRASTATE AIR TRANSPORTATION.*—

“(1) *IN GENERAL.*—An individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

“(2) *EXCEPTIONS.*—The prohibition described in paragraph (1) shall not apply to—

“(A) a member of the flight crew or flight attendants on an aircraft; or

“(B) a Federal law enforcement officer acting in an official capacity.

“(b) *FOREIGN AIR TRANSPORTATION.*—

“(1) *IN GENERAL.*—The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

“(2) *ALTERNATE PROHIBITION.*—If a foreign government objects to the application of paragraph (1) on the basis that paragraph (1) provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government until such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

“(c) *DEFINITIONS.*—In this section, the following definitions apply:

“(1) *FLIGHT.*—The term ‘flight’ means the period beginning when an aircraft takes off and ending when an aircraft lands.

“(2) *VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.*—

“(A) *INCLUSIONS.*—The term ‘voice communications using a mobile communications device’ includes voice communications using—

“(i) a commercial mobile radio service or other wireless communications device;

“(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

“(iii) a device having voice override capability.

“(B) *EXCLUSION.*—Such term does not include voice communications using a phone installed on an aircraft.

“(d) *SAFETY REGULATIONS.*—This section shall not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

“(e) *REGULATIONS.*—The Secretary shall prescribe such regulations as are necessary to carry out this section.”.

(b) *CLERICAL AMENDMENT.*—The analysis for such subchapter is amended by adding at the end the following:

“41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.”.

SEC. 426. ANTITRUST EXEMPTIONS.

(a) *STUDY.*—The Comptroller General shall conduct a study of the legal requirements and policies followed by the Department in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from the antitrust laws under section 41308 of such title in connection with such international alliances.

(b) *ISSUES TO BE CONSIDERED.*—In conducting the study under subsection (a), the Comptroller General, at a minimum, shall examine the following:

(1) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in public benefits, including an analysis of whether such benefits could have been achieved by international alliances not receiving exemptions from the antitrust laws.

(2) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in reduced competition, increased prices in markets, or other adverse effects.

(3) Whether international alliances that have been granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that have resulted in increased costs for consumers or foreclosed competition by rival (nonalliance) air carriers at such airports.

(4) Whether increased network size resulting from additional international alliance members will adversely affect competition between international alliances.

(5) The areas in which immunized international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers will receive benefits of at least the same magnitude as those that consumers would receive if there were no immunized international alliances.

(6) The minimum number of international alliances that is necessary to ensure robust competition and benefits to consumers on major international routes.

(7) Whether the different regulatory and antitrust responsibilities of the Secretary and the Attorney General with respect to international alliances have created any significant conflicting agency recommendations, such as the conditions imposed in granting exemptions from the antitrust laws.

(8) Whether, from an antitrust standpoint, requests for exemptions from the antitrust laws in connection with international alliances should be treated as mergers, and therefore be exclusively subject to a traditional merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to those required under section 7A of the Clayton Act (15 U.S.C. 18a).

(9) Whether the Secretary should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary in connection with an international alliance.

(10) The effect of international alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by those employees.

(c) *REPORT.*—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a), including any recommendations of the Comptroller General as to whether there should be changes in the authority of the Secretary under title 49, United States Code, or policy changes that the Secretary can implement administratively, with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(d) *ADOPTION OF RECOMMENDED POLICY CHANGES.*—Not later than one year after the date of receipt of the report under subsection (c), and after providing notice and an opportunity for public comment, the Secretary shall issue a written determination as to whether the Secretary will adopt the policy changes, if any, recommended by the Comptroller General in the report or make any other policy changes with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(e) *SUNSET PROVISION.*—

(1) *IN GENERAL.*—An exemption from the antitrust laws granted by the Secretary on or before the last day of the 3-year period beginning on the date of enactment of this Act in connection with an international alliance, including an exemption granted before the date of enactment of this Act, shall cease to be effective after such last day unless the exemption is renewed by the Secretary.

(2) *TIMING FOR RENEWALS.*—The Secretary may not renew an exemption under paragraph (1) before the date on which the Secretary issues a written determination under subsection (d).

(3) *STANDARDS FOR RENEWALS.*—The Secretary shall make a decision on whether to renew an exemption under paragraph (1) based on the policies of the Department in effect after the Secretary issues a written determination under subsection (d).

(f) *DEFINITIONS.*—In this section, the following definitions apply:

(1) *EXEMPTION FROM THE ANTITRUST LAWS.*—The term “exemption from the antitrust laws” means an exemption from the antitrust laws granted by the Secretary under section 41308 of title 49, United States Code.

(2) *IMMUNIZED INTERNATIONAL ALLIANCE.*—The term “immunized international alliance” means an international alliance for which the Secretary has granted an exemption from the antitrust laws.

(3) *INTERNATIONAL ALLIANCE.*—The term “international alliance” means a cooperative agreement between an air carrier and a foreign air carrier to provide foreign air transportation subject to approval or disapproval by the Secretary under section 41309 of title 49, United States Code.

(4) *DEPARTMENT.*—The term “Department” means the Department of Transportation.

(5) *SECRETARY.*—The term “Secretary” means the Secretary of Transportation.

SEC. 427. MUSICAL INSTRUMENTS.

(a) *IN GENERAL.*—Subchapter I of chapter 417 (as amended by this Act) is further amended by adding at the end the following:

“§41725. Musical instruments

“(a) *IN GENERAL.*—

“(1) *INSTRUMENTS IN THE PASSENGER COMPARTMENT.*—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment in a closet, baggage, or cargo stowage compartment approved by the Administrator without charge if—

“(A) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator of the Federal Aviation Administration; and

“(B) there is space for such stowage on the aircraft.

“(2) *LARGE INSTRUMENTS IN THE PASSENGER COMPARTMENT.*—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment that is too large to be secured in a closet, baggage, or cargo stowage compartment approved by the Administrator, if—

“(A) the instrument can be stowed in a seat, in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator for such stowage; and

“(B) the passenger wishing to carry the instrument in the aircraft cabin has purchased a seat to accommodate the instrument.

“(3) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger on a flight and that may not be carried in the aircraft passenger compartment if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches and the size restrictions for that aircraft;

“(B) the weight of the instrument does not exceed 165 pounds and the weight restrictions for that aircraft; and

“(C) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator for such stowage.

“(4) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting its liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the air carrier.

“(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).”.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

“41725. Musical instruments.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting “or voluntary agreement under subsection (b)(7)” before “for the park”;

(2) in subsection (a) by adding at the end the following:

“(5) EXEMPTION.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

“(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

“(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

“(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.”;

(3) in subsection (b) by adding at the end the following:

“(7) VOLUNTARY AGREEMENTS.—

“(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

“(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation

safety or the air traffic control system and may—

“(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

“(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

“(iii) provide for fees for such operations.

“(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

“(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.”;

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

“(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

“(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

“(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

“(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.”;

(5) in subsection (c)(3)(A) by striking “if the Administrator determines” and all that follows through the period at the end and inserting “without further environmental process beyond that described in this paragraph if—

“(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

“(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

“(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.”;

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

“(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

“(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the Aviation Safety and Investment Act of 2010, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.”.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking “prescribe regulations” and inserting “issue guidance”; and

(2) in the second sentence by striking “regulations” and inserting “guidance”.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: “, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements”.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

“(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

“(1) coordinate and consult with the State;

“(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

“(3) supplement such analysis, as necessary, to meet applicable Federal requirements.”.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking “services of consultants in order to” and all that follows through the period at the end and inserting “services of consultants—

“(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

“(2) to conduct special environmental studies related to an airport project funded with Federal funds;

“(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

“(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.”.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

“(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

“(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

“(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

“(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

“(C) shall remain available until expended.”.

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

“(g) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”.

SEC. 506. SOUNDPROOFING OF RESIDENCES.

(a) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—Section 47504(c)(2)(D) is amended to read as follows:

“(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) to soundproof—

“(i) a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise; and

“(ii) residential buildings located on residential properties in the noise impact area surrounding the airport that the Secretary decides is adversely affected by airport noise, if—

“(I) the residential properties are within airport noise contours prepared by the airport owner or operator using the Secretary’s methodology and guidance, and the noise contours have been found acceptable by the Secretary;

“(II) the residential properties cannot be removed from airport noise contours for at least a 5-year period by changes in airport configuration or flight procedures;

“(III) the land use jurisdiction has taken, or will take, appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land to uses that are compatible with normal airport operations; and

“(IV) the Secretary determines that the project is compatible with the purposes of this chapter; and”.

(b) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—Section 44705 (as amended by this Act) is further amended by adding at the end the following:

“(f) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—

“(1) ESTABLISHMENT OF CRITERIA.—Before awarding a grant under subsection (c)(2)(D), the Secretary shall establish criteria to determine which residences in the 65 DNL area suffer the greatest noise impact.

“(2) ANALYSIS FROM COMPTROLLER GENERAL.—Prior to making a final decision on the criteria required by paragraph (1), the Secretary shall develop proposed criteria and obtain an analysis from the Comptroller General as to the reasonableness and validity of the criteria.

“(3) PRIORITY.—If the Secretary determines that the grants likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 through 2012 will not be sufficient to soundproof all residences in the 65 DNL area, the Secretary shall first award grants to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).”.

SEC. 507. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 is amended by adding at the end the following:

“§47511. CLEEN research, development, and implementation partnership

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

“(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term ‘CLEEN engine and airframe technology’ means continuous lower energy, emissions, and noise engine and airframe technology.

“(c) PERFORMANCE OBJECTIVE.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2016:

“(1) Development of certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

“(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

“(3) Development of certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels cumulative, relative to Stage 4 standards.

“(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

“(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

“(d) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

“(1) \$25,000,000 for fiscal year 2010.

“(2) \$33,000,000 for fiscal year 2011.

“(3) \$50,000,000 for fiscal year 2012.

“(e) REPORT.—Beginning in fiscal year 2010, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.”.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

“§47511. CLEEN research, development, and implementation partnership.”.

SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

“§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

“(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), after December 31, 2013, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness

certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) EXCEPTIONS.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

“(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

“(2) To scrap the aircraft.

“(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

“(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

“(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

“(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

“(7) To provide transport of persons and goods in the relief of emergency situations.

“(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

“(d) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

(A) in the section heading by striking “for violating sections 47528–47530”; and

(B) by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

(2) Section 47532 is amended by inserting “or 47534” after “47528–47531”.

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

“47531. Penalties.”;

and

(B) by inserting after the item relating to section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.”.

SEC. 509. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the

Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) **FEDERAL SHARE.**—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) **MAXIMUM AMOUNT.**—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds \$2,500,000.

(g) **PUBLICATION OF INFORMATION.**—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ELIGIBLE CONSORTIUM.**—The term “eligible consortium” means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) **ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.**—The term “environmental mitigation demonstration project” means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 510. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) **IN GENERAL.**—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) **SELECTION CRITERIA.**—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) **MAXIMUM AMOUNT.**—Not more than a total of \$5,000,000 may be expended under the pilot program at any single public-use airport.

(d) **REPORT TO CONGRESS.**—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 511. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) **AUTHORIZATION.**—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 512. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) **INDEPENDENT REVIEW.**—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) **CONSIDERATIONS.**—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft.

(c) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **EPA.**—The term “EPA” means the Environmental Protection Agency.

(2) **FAA.**—The term “FAA” means the Federal Aviation Administration.

SEC. 513. CABIN AIR QUALITY TECHNOLOGY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Ad-

ministrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) **TECHNOLOGY REQUIREMENTS.**—The technology should, at a minimum, be capable of—

(1) removing oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the research and development work carried out under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 514. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the “ICAO”) in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as “Chicago Convention”), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 515. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2009. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport, Newark Liberty Airport, and JFK Airport.

SEC. 516. GAO STUDY ON COMPLIANCE WITH FAA RECORD OF DECISION.

(a) **STUDY.**—The Comptroller General shall conduct a study to determine whether the Federal Aviation Administration and the Massachusetts Port Authority are complying with the requirements of the Federal Aviation Administration's record of decision dated August 2, 2002.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 517. WESTCHESTER COUNTY AIRPORT, NEW YORK.

(a) **RULEMAKING.**—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine whether Westchester County Airport should be authorized to limit aircraft operations between the hours of 12 a.m. and 6:30 a.m.

(b) **DEADLINES.**—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under subsection (a); and

(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

SEC. 518. AVIATION NOISE COMPLAINTS.

(a) **TELEPHONE NUMBER POSTING.**—Not later than 3 months after the date of enactment of

this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) **SUMMARIES AND REPORTS.**—Not later than one year after the last day of the 3-month period referred to in subsection (a), and annually thereafter, an owner or operator that receives one or more noise complaints under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by print and electronic means.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) **DISPUTE RESOLUTION.**—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by striking paragraph (2) and inserting the following:

“(2) **DISPUTE RESOLUTION.**—

“(A) **MEDIATION.**—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

“(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Aviation Safety and Investment Act of 2010); or

“(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

“(B) **BINDING ARBITRATION.**—

“(i) **ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.**—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the ‘parties’) shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

“(ii) **APPOINTMENT OF ARBITRATION BOARD.**—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

“(iii) **FRAMING ISSUES IN CONTROVERSY.**—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

“(iv) **HEARINGS.**—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

“(v) **DECISIONS.**—The arbitration board shall render its decision within 90 days after the date

of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

“(vi) **COSTS.**—The parties shall share costs of the arbitration equally.

“(3) **RATIFICATION OF AGREEMENTS.**—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

“(4) **ENFORCEMENT.**—

“(A) **ENFORCEMENT ACTIONS IN UNITED STATES COURTS.**—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

“(B) **ATTORNEY FEES.**—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.”

(b) **APPLICATION.**—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) **SAVINGS CLAUSE.**—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) **BACK PAY.**—

(1) **IN GENERAL.**—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the ap-

propriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$20,000,000 to carry out this subsection.

(e) **INTERIM AGREEMENT.**—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.

Section 40122(g)(2)(A) is amended to read as follows:

“(A) sections 2301 and 2302, relating to merit system principles and prohibited personnel practices, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;”

SEC. 603. APPLICABILITY OF BACK PAY REQUIREMENTS.

(a) **APPLICABILITY OF BACK PAY REQUIREMENTS.**—Section 40122(g)(2) is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; and”; and

(3) by adding at the end the following:

“(I) section 5596, relating to back pay.”

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to—

(A) all proceedings pending on, or commenced after, the date of enactment of this Act in which an employee of the Federal Aviation Administration is seeking relief under section 5596 of title 5, United States Code, that was available as of March 31, 1996; and

(B) subject to paragraph (2), personnel actions of the Federal Aviation Administration under section 5596 of such title occurring before the date of enactment of this Act.

(2) **SPECIAL RULE.**—The authority of the Merit Systems Protection Board to provide a remedy under section 5596 of such title, with respect to a personnel action of the Federal Aviation Administration occurring before the date of enactment of this Act, shall be limited to cases in which—

(A) the Board, before such date of enactment, found that the Federal Aviation Administration committed an unjustified or unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 5596 of such title; and

(B) a petition for review is filed with the clerk of the Board not later than 6 months after such date of enactment.

SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as “FAA systems specialists”).

(2) **CONTENTS.**—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) **WORKLOAD OF SYSTEMS SPECIALISTS.**—

(1) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) **CONTENTS.**—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) **CONSULTATION.**—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the Federal Aviation Administration certified under section 7111 of title 5, United States Code, and the Administrator of the Federal Aviation Administration.

(4) **REPORT.**—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 605. DESIGNEE PROGRAM.

(a) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, “Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs” (GAO-05-40).

(b) **CONTENTS.**—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations;

(3) an identification of further action that is needed to implement such recommendations, improve the Administration’s management control of the designee programs, and increase assurance that designees meet the Administration’s performance standards; and

(4) an assessment of the Administration’s organizational delegation and designee programs and a determination as to whether the Administration has sufficient monitoring and surveil-

lance programs in place to properly oversee these programs.

SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) **IN GENERAL.**—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled “Staffing Standards for Aviation Safety Inspectors” and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 607. SAFETY CRITICAL STAFFING.

(a) **SAFETY INSPECTORS.**—The Administrator of the Federal Aviation Administration shall increase the number of safety critical positions in the Flight Standards Service and Aircraft Certification Service for a fiscal year commensurate with the funding levels provided in subsection (b) for the fiscal year. Such increases shall be measured relative to the number of persons serving in safety critical positions as of September 30, 2008.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) \$45,000,000 for fiscal year 2010;

(2) \$138,000,000 for fiscal year 2011; and

(3) \$235,000,000 for fiscal year 2012.

Such sums shall remain available until expended.

(c) **IMPLEMENTATION OF STAFFING STANDARDS.**—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model under section 605 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

(d) **SAFETY CRITICAL POSITIONS DEFINED.**—In this section, the term “safety critical positions” means—

(1) aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standards Service (as such terms are used in the Administration’s fiscal year 2009 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, Chief Scientist Technical Advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration’s fiscal year 2009 congressional budget justification).

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the “FAA”) to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) **CONSULTATION.**—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration,

and representatives of the Civil Aeronautical Medical Institute.

(c) **CONTENTS.**—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) **RECOMMENDATIONS AND ESTIMATES.**—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) **CONTENTS.**—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) **ESTABLISHMENT.**—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the “FAA Task Force on Air Traffic Control Facility Conditions” (in this section referred to as the “Task Force”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, “sick building syndrome,” and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICIES (FCI).—The Task Force shall review the facility condition indices of the Administration (in this section referred to as the “FCI”) for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$250,000 to carry out this section.

TITLE VII—AVIATION INSURANCE**SEC. 701. GENERAL AUTHORITY.**

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking “September 30, 2009” and inserting “September 30, 2012”; and

(2) by striking “December 31, 2009” and inserting “December 31, 2019”.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

“(3) SUCCESSOR PROGRAM.—

“(A) IN GENERAL.—After December 31, 2019, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(B) TRANSFER OF PREMIUMS.—

“(i) IN GENERAL.—On December 31, 2019, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

“(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2019;

“(II) the amount of any claims pending under such policies as of December 31, 2019; and

“(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2019.”.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking “December 31, 2009” and inserting “December 31, 2012”.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking “the carrier” and inserting “any insurance carrier”.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking “agent” and inserting “agent, or a claims adjuster who is independent of the underwriting agent,”.

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking “December 31, 2013” and inserting “December 31, 2019”.

TITLE VIII—MISCELLANEOUS**SEC. 801. AIR CARRIER CITIZENSHIP.**

Section 40102(a)(15) is amended by adding at the end the following:

“For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.”.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

“(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.”.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

“§40130. FAA access to criminal history records or databases systems

“(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

“(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

“(2) RELEASE OF INFORMATION.—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

“(3) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of

the Administration who shall carry out the authority described in subsection (a). The designated employees may—

“(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commissioned under the laws of that State has access and in the same manner as such police officer; or

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) **SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.**—In this section, the term ‘system of documented criminal justice information’ means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 401 is amended by adding at the end the following:

“40130. FAA access to criminal history records or databases systems.”

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) **IN GENERAL.**—Section 47129 is amended—

(1) in the section heading by striking “**air carrier**” and inserting “**carrier**”;

(2) in subsection (a) by striking “(as defined in section 40102 of this title)” and inserting “(as such terms are defined in section 40102)”;

(3) in the heading for subsection (d) by striking “**AIR CARRIER**” and inserting “**AIR CARRIER AND FOREIGN AIR CARRIER**”;

(4) in the heading for paragraph (2) of subsection (d) by striking “**AIR CARRIER**” and inserting “**AIR CARRIER AND FOREIGN AIR CARRIER**”;

(5) by striking “air carriers” each place it appears and inserting “air carriers or foreign air carriers”;

(6) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”; and

(7) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

“47129. Resolution of airport-carrier disputes concerning airport fees.”

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the “plan”) under section 47103 of title 49, United States Code.

(b) **CONTENTS OF STUDY.**—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs between fiscal years 2003 and 2008, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) **REPORT TO CONGRESS.**—

(1) **SUBMISSION.**—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) **CONTENTS.**—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) **IN GENERAL.**—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking “All” and inserting “(a) **IN GENERAL.**—All”;

(2) by inserting “and every express carrier” after “common carrier by air”; and

(3) by adding at the end the following:

“(b) **SPECIAL RULES FOR EXPRESS CARRIERS.**—

“(1) **IN GENERAL.**—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

“(2) **AIR CARRIER STATUS.**—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

“(3) **EXPRESS CARRIER DEFINED.**—In this section, the term ‘express carrier’ means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.”

(b) **CONFORMING AMENDMENT.**—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking “, any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,”.

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) **ESTABLISHMENT OF WORKING GROUP.**—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the Federal Aviation Administration (in this section referred to as the “FAA”) a working group to develop criteria and make recommendations for the realignment of services and facilities (including regional offices) of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) **MEMBERSHIP.**—The working group shall be composed of—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at regional or field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) **REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.**—

(1) **SUBMISSION.**—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) **CONTENTS.**—The report shall include a justification for each recommendation to consolidate or realign a service or facility (including a regional office) and a description of the costs and savings associated with the consolidation or realignment.

(d) **PUBLIC NOTICE AND COMMENT.**—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) **OBJECTIONS.**—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) **REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.**—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities (including regional offices) of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) **LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.**—The Administrator may not realign or consolidate any services or facilities (including regional offices) of the FAA before the Administrator has submitted the report under subsection (f).

(h) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **FAA.**—The term “FAA” means the Federal Aviation Administration.

(2) **REALIGNMENT; CONSOLIDATION.**—

(A) **IN GENERAL.**—The terms “realignment” and “consolidation” include any action that—

(i) relocates functions, services, or personnel positions;

(ii) severs existing facility functions or services; or

(iii) any combination thereof.

(B) **EXCLUSION.**—The term does not include a reduction in personnel resulting from workload adjustments.

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

“(i) **ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.**—

“(1) **AUTHORITY TO PROVIDE INSURANCE.**—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

“(2) **CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.**—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United

States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

“(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

“(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

“(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

“(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.”

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the “FAA”) could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County's purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County's purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed \$1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary

receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

(c) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the “airport”), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to non-aeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for pilots and flight attendants involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2012. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION ZONE.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with Secretary of Homeland Security and Secretary of

Defense, shall submit to the Committee on Transportation and Infrastructure and Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, DC, Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, DC, Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation's history and economy.

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or

after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) **GRANTS.**—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) **GRANT REQUIREMENTS.**—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1);

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1); and

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) **COOPERATION WITH LOCAL AFFECTED JURISDICTION.**—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) **UNITED STATES GOVERNMENT SHARE.**—

(1) **IN GENERAL.**—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) **DETERMINATION.**—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) **MAXIMUM AMOUNT.**—Not more than \$5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) **SPECIAL RULES FOR REPAID FUNDS.**—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for

funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) **USE OF PASSENGER FACILITY REVENUE.**—An operator of an airport participating in the pilot program may use passenger facility revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) **SUNSET.**—The Administrator may not make a grant under the pilot program after September 30, 2012.

(i) **REPORT TO CONGRESS.**—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) **NOISE COMPATIBILITY MEASURES.**—Section 47504(a)(2) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten Island, New York.

(b) **CONTENTS.**—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) **EXCEPTIONS.**—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island and Staten Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Ad-

ministrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 819. CABIN TEMPERATURE AND HUMIDITY STANDARDS STUDY.

(a) **STUDY.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat and humidity onboard such aircraft during standard operations or during an excessive flight delay.

(b) **TEMPERATURE REVIEW.**—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperature and humidity of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and humidity and develop a system for the reporting of excessive temperature and humidity onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature and humidity standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting “chapter 451,” before “section 47107(b)”; and

(2) in subsection (a)(5)(A)(i)—

(A) by striking “or chapter 449” and inserting “chapter 449”; and

(B) by inserting after “44909)” the following: “, or chapter 451”; and

(3) in subsection (d)(2)—

(A) by inserting after “44723)” the following: “, chapter 451 (except section 45107)”; and

(B) by inserting after “44909),” the following: “section 45107 or”.

SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, Agriculture, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) **IMPACT OF WIND TURBINES ON RADAR SIGNALS.**—In conducting the study, the Administrator shall consider the impact of the operation of wind turbines, individually and in collections, on radar signals and evaluate the feasibility of providing quantifiable measures of numbers of turbines and distance from radars that are acceptable.

(d) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services, Committee on Agriculture, and Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation, Committee on Homeland Security and Governmental Affairs, Committee on Agriculture, Nutrition, and Forestry, and Committee on Armed Services of the Senate.

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as “FAA radars”) in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) **CONSULTATION.**—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) **ADMINISTRATIVE PROCESS.**—The Administrator shall develop an effective administrative process for relocation of FAA radars, when appropriate, and testing and deployment of alternative solutions, as necessary.

(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to affect the authority of the Administrator to issue hazard determinations.

SEC. 825. WIND TURBINE LIGHTING.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) **CONTENTS.**—In conducting the study, the Administrator shall examine the following:

(1) The effect of wind turbine lighting on residential areas.

(2) The safety issues associated with alternative lighting strategies, technologies, and regulations.

(3) Potential energy savings associated with alternative lighting strategies, technologies, and regulations.

(4) The feasibility of implementing alternative lighting strategies or technologies.

(5) Any other issue relating to wind turbine lighting.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, rename, designate, or redesignate any project or program under this act for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

SEC. 827. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) **STUDY.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to identify a physical means, or a combination of physical and procedural means, of limiting access to the flight decks of all-cargo aircraft to authorized flight crew members.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 828. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the Federal Aviation Administration be granted the full protection of the law.

SEC. 829. COLLEGE POINT MARINE TRANSFER STATION, NEW YORK.

(a) **FINDING.**—Congress finds that the Federal Aviation Administration, in determining whether the proposed College Point Marine Transfer Station in New York City, New York, if constructed, would constitute a hazard to air navigation, has not followed published policy statements of the Federal Aviation Administration, including—

(1) Advisory Circular Number 150/5200–33B 2, entitled “Hazardous Wildlife Attractants on or Near Airports”;

(2) Advisory Circular Number 150/5300–13, entitled “Airport Design”;

(3) the publication entitled “Policies and Procedures Memorandum—Airports Division”, Number 5300.1B, dated Feb. 5, 1999.

(b) **DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.**—The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

SEC. 830. PILOT TRAINING AND CERTIFICATION.

(a) **INITIATION OF STUDY.**—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall initiate a study on commercial airline pilot training and certification programs. The study shall include the data collected under subsection (b).

(b) **DATA COLLECTED.**—In conducting the study, the Comptroller General shall collect data on—

(1) commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) the number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) how United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) what remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) what stall warning systems are included in flight simulator training compared to classroom instruction; and

(6) the information required to be provided by pilots on their job applications and the ability of

United States air carriers to verify the information provided.

(c) **CONTENTS OF STUDY.**—The study shall include, at a minimum—

(1) a review of Federal Aviation Administration and international standards regarding commercial airline pilot training and certification programs;

(2) the results of interviews that the Comptroller General shall conduct with United States air carriers, pilot organizations, the National Transportation Safety Board, the Federal Aviation Administration, and such other parties as the Comptroller General determines appropriate; and

(3) such other matters as the Comptroller General determines are appropriate.

(d) **REPORT.**—Not later than 12 months after the date of initiation of the study, the Comptroller General shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with the findings and recommendations of the Comptroller General regarding the study.

SEC. 831. ST. GEORGE, UTAH.

(a) **IN GENERAL.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) **CONDITION.**—Any release granted by the Secretary under the subsection (a) shall be subject to the following conditions:

(1) The city of St. George shall agree that in conveying any interest in the property that the United States conveyed to the city by deed dated August 28, 1973, the city will receive an amount for such interest that is equal to the fair market value.

(2) Any such amount so received by the city of St. George shall be used by the city for the development, improvement, operation, or maintenance of a replacement public airport.

SEC. 832. REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating terminal radar approach control.

SEC. 833. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the “Federal Aviation Research and Development Reauthorization Act of 2010”.

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **FAA.**—The term “FAA” means the Federal Aviation Administration.

(3) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(4) NATIONAL RESEARCH COUNCIL.—The term “National Research Council” means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term “NOAA” means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term “NSF” means the National Science Foundation.

(7) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall carry out a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and
(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

“(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government's share of an individual grant under this section shall not exceed 90 percent of the costs.”.

(b) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking “establish a 4-year pilot” and inserting “maintain an”; and

(2) in paragraph (4)—

(A) by striking “expiration of the program” and inserting “expiration of the pilot program”; and

(B) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program” and inserting “program”.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking “and” after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.”.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking “and” after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

“(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.”.

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2010 through 2012, for research grants under this section.

SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Admin-

istrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$750,000 for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA's energy- and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(b) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(c) **REPORT.**—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated \$700,000 for fiscal year 2010 to carry out this section.

SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) **ESTABLISHMENT OF RESEARCH PROGRAM.**—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall conduct a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) **PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.**—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) **DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) **ESTABLISHMENT.**—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the “Center”).

(b) **APPLIED RESEARCH AND TRAINING.**—The Center shall conduct applied research and training on—

(1) human performance in the air transportation environment;

(2) air transportation personnel, including air traffic controllers, pilots, and technicians; and

(3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) **DUTIES.**—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;

(3) through industry surveys and other research methodologies and in partnership with the “Taskforce on the Future of the Aerospace Workforce” and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the “Airport and Airway Trust Fund Financing Act of 2010”.

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.**—

(1) **AVIATION-GRADE KEROSENE.**—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “; and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”

(2) **AVIATION GASOLINE.**—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking “19.3 cents” and inserting “24.1 cents”.

(3) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions of such Code are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Section 4081(a)(4) of such Code is amended—

(i) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”, and

(ii) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(E) Section 4081(d)(2) of such Code is amended by inserting “, (a)(2)(A)(iv),” after “subsections (a)(2)(A)(ii)”.

(b) **EXTENSION.**—

(1) **FUELS TAXES.**—Paragraph (2) of section 4081(d) of such Code is amended by striking “gallon—” and all that follows and inserting “gallon after September 30, 2012”.

(2) **TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.**—

(A) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(B) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 of such Code is amended—

(1) by striking “kerosene” and inserting “aviation-grade kerosene”;

(2) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(3) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(d) **RETAIL TAX ON AVIATION FUEL.**—

(1) **EXEMPTION FOR PREVIOUSLY TAXED FUEL.**—Paragraph (2) of section 4041(c) of such Code is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) **RATE OF TAX.**—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

“(3) **RATE OF TAX.**—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”

(e) **REFUNDS RELATING TO AVIATION-GRADE KEROSENE.**—

(1) **KEROSENE USED IN COMMERCIAL AVIATION.**—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) **KEROSENE USED IN AVIATION.**—Paragraph (4) of section 6427(l) of such Code is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

“(B) **PAYMENTS TO ULTIMATE, REGISTERED VENDOR.**—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”

(3) **AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) **REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”

(4) **CONFORMING AMENDMENTS.**—

(A) Section 6427(i)(4) of such Code is amended—

(i) by striking “paragraph (4)(C) or (5)” both places it appears and inserting “paragraph (4)(B) or (6)”, and

(ii) by striking “, (l)(4)(C)(ii), and (l)(5)” and inserting “and (l)(6)”.

(B) Section 6427(l)(1) of such Code is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)(i)”.

(C) Section 4082(d)(2)(B) of such Code is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(f) **AIRPORT AND AIRWAY TRUST FUND.**—

(1) **EXTENSION OF TRUST FUND AUTHORITIES.**—

(A) **EXPENDITURES FROM TRUST FUND.**—Paragraph (1) of section 9502(d) of such Code is amended—

(i) by striking “October 1, 2009” in the matter preceding subparagraph (A) and inserting “October 1, 2012”, and

(ii) by inserting “or the Aviation Safety and Investment Act of 2010” before the semicolon at the end of subparagraph (A).

(B) **LIMITATION ON TRANSFERS TO TRUST FUND.**—Paragraph (2) of section 9502(e) of such Code is amended by striking “October 1, 2009” and inserting “October 1, 2012”.

(2) **TRANSFERS TO TRUST FUND.**—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

“(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(3) **TRANSFERS ON ACCOUNT OF CERTAIN REVENUES.**—

(A) **IN GENERAL.**—Subsection (d) of section 9502 of such Code is amended—

(i) by striking “(other than subsection (l)(4) thereof)” in paragraph (2), and

(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(l))” in paragraph (3).

(B) **CONFORMING AMENDMENTS.**—

(i) Section 9503(b)(4) of such Code is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking “, section 9503(c)(7).”.

(4) **TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

“(7) **TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.”.

(5) **EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.**—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

“(8) **EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.**—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

“(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

“(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

“(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

“(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.”.

(g) **EFFECTIVE DATE.**—

(1) **MODIFICATIONS.**—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2009.

(2) **EXTENSIONS.**—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of aviation fuel which is held on January 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding aviation fuel on January 1, 2010, shall be liable for such tax.

(B) **TIME AND METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid on April 30, 2010, and in such manner as the Secretary of the Treasury shall prescribe.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **AVIATION FUEL.**—The term “aviation fuel” means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) **HELD BY A PERSON.**—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury or the Secretary's delegate.

(5) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) **EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.**—

(A) **IN GENERAL.**—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) **EXEMPT FUEL.**—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) **CONTROLLED GROUPS.**—For purposes of this subsection—

(i) **CORPORATIONS.**—

(I) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(II) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with re-

spect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

SEC. 1101. COMPLIANCE PROVISION.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

The SPEAKER pro tempore. Pursuant to House Resolution 1212, the motion shall be debatable for 1 hour equally divided and controlled by the chair and the ranking minority member of the Committee on Transportation and Infrastructure. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1586.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

This procedure under which we are acting on this bill is complex and has raised some concerns both in the Rules Committee and in discussion of the rule, so I just want to clarify some things.

The rule states in part: to concur in the Senate amendment to the title of H.R. 1586 which deals with additional tax bonuses on TARP recipients. This is a tax bill that the House had passed and sent to the Senate. The Senate is amending that tax bill, taking everything out and substituting its version of the FAA authorization bill. We then, under the rule, concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules which is the text of the bill that we have twice passed in this House in two Congresses.

It is not something new. It is not a freestanding bill coming to the floor for the first time and should not be nor has it been subjected to an open rule which was requested in the Rules Committee and which was again debated on the House floor during consideration of the rule.

This is the bill we passed first in September, on September 20, 2007, by a vote of 267–151, including four Republican and four Democratic amendments. It was not adopted in that Congress.

We took it up again in 2009, passed the bill May 21 last year by an even

bigger vote, 277-136, including seven Democratic and four Republican amendments. We also include in this bill the Airline Safety and Pilot Training Act of 2009, overwhelmingly approved in the House by a vote of 409-11, not acted upon by the other body. So we are combining these bills and sending them back to the Senate which then we expect will ask for a conference.

Now, we have heard discussion and I heard some rather fomenting sounds during consideration of the rule about, well, we haven't passed this aviation authorization bill in years. We would have passed it in 2007 but for the Statement of Administration Policy September 19, 2007, from the Bush administration that said: Accordingly, if H.R. 2881 were presented to the President, his senior advisers would recommend that he veto the bill.

It passed the House notwithstanding.

But because of the threat of the administration veto, the other body, narrowly divided, didn't even take it up. We did our work in good order, in reasonable order, very quick from the time the gavel was handed over to Speaker PELOSI at the beginning of the 110th Congress and we regained the majority. We picked up where we left off in the previous Congress with the Republican members of our committee and moved the bill with bipartisan support except for three issues. And on one of those, the administration threatened a veto, the negotiation/renegotiation of the air traffic controller contract.

The new administration came in and settled that issue. It is gone. It is done. The language is still in the bill because we passed that bill before the administration settled the air traffic controller contract. So the language stays in the bill, but it will come out in conference, at least that part of it.

So I don't understand this revisionism that I heard on the House floor during the debate on the rule. It is wrong. It doesn't represent the issues properly. It doesn't put them into focus. We are going to pass this legislation today. The Senate will then ask us for a conference in due course, and we will go to conference on this bill. And we will resolve whatever the differences are, and there are several of them, between our version and the Senate version. That is the process.

I just want to make it very clear that is what we are here discussing today.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Today we are considering an amendment to H.R. 1586, the Senate-passed FAA reauthorization bill which will substitute two previously considered and passed House bills: H.R. 915, the FAA Reauthorization Act of 2009 and H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009.

This is a procedural process deemed necessary in order for the House and Senate to enter into negotiations to reconcile the differences in each Chamber's FAA reauthorization bill.

While I support the process moving forward, I cannot support the House amendment to H.R. 1586 due to the inclusion of several controversial provisions in the House FAA reauthorization bill being inserted by the amendment.

Certainly we all agree that we need a final bipartisan and bicameral FAA reauthorization bill, and we need it sooner rather than later. With the latest of 13 extensions having passed the House just yesterday, the FAA is still working under the 2003 FAA reauthorization. This is a very untenable situation, so the urgency of this legislation remains.

The American Society of Civil Engineers periodically issues an infrastructure report card, and its 2009 report card gives aviation a grade of only a D. This was actually a lower grade than the D-plus earned in its 2005 report card. So the condition of our aviation infrastructure in the United States is getting worse, not better.

The amendment includes a provision from H.R. 915 that increases Federal investment in aviation infrastructure with funding for the Airport Improvement Program increased to a total of \$12.3 billion over 3 years. The facilities and equipment program is increased to \$10.1 billion.

The amendment, through a H.R. 915 provision, also increases the cap on the level of passenger facility charges that an airport can impose for capacity and safety improvements. The cap was last raised 10 years ago, and the \$4.50 maximum charge is now worth far less due to the passage of time, as well as high construction cost inflation.

One of the most important initiatives under way at the FAA is the modernization of our air traffic control system known as NextGen. We must transition from the 50-year-old ground-based system to a modern satellite-based system in order to increase capacity, lower costs and increase safety and efficiency in our system. The legislation before us seeks to move this process along while instilling accountability. Congress will need to provide effective oversight to be sure the program stays on track and that we have the financial resources for the \$15 billion-\$20 billion in government costs for this multi-year program to keep moving forward. Our chairman of the subcommittee, Mr. COSTELLO, has been very active in providing oversight.

The amendment, with the inclusion of H.R. 915 provisions, also improves safety, provides noise mitigation and enhances environmental initiatives. Passenger rights would be addressed by ensuring that airlines and airports plan for the care of passengers who are trapped in long delays on tarmacs.

□ 1530

It also mandates the establishment of a process to avoid airline overscheduling that inevitably leads to delay.

The House amendment also includes H.R. 3371, the Airline Safety and Pilot

Training Improvement Act of 2009, a comprehensive, bipartisan bill that passed the House last year. H.R. 3371 improves access and review of pilots' records, requires more extensive pilot training, improves pilot professionalism, addresses pilot fatigue, and increases the minimum certification standards for commercial airline pilots. I look forward to working on finalizing these provisions with the Senate during a conference committee to improve airline safety.

Unfortunately, despite the inclusion of important safety provisions, the amendment also includes a number of controversial provisions in H.R. 915, the same provisions that delayed consideration of the FAA reauthorization in the Senate. Therefore, it's impossible for me to support the amendment in its current form.

One provision regarding air traffic controllers provides for changes in future impasse procedures, which I don't object to, but it also includes costly rollback and backpay requirements under terms of the 1998 contract. According to the Congressional Budget Office, the cost of this provision in budget year 2009 was \$83 million, and about \$1 billion over the life of the bill. With the arbitrated controller contract agreed to last year, I would have thought this provision would no longer be necessary. However, since it remains as it did in H.R. 915 in the amendment, the provision remains problematic.

H.R. 915 also includes a provision that would move express carriers from being covered by the Railway Labor Act to the National Labor Relations Act. This is really targeted at one company, FedEx Express. FedEx Express was organized as, and still is, an air carrier, in particular, an express carrier. As such, it's been covered by the Railway Labor Act since its creation in 1971.

It has trucks, but it is a fully integrated system, and the trucks would not operate without the planes, which was reaffirmed by the Ninth Circuit Court of Appeals several years ago. I'd note that other companies within the FedEx family, such as FedEx Freight, are rightly covered by the National Labor Relations Act.

Other provisions included in the amendment from H.R. 915 raise concerns, such as the foreign repair station language, which may have the unintended consequences of leading to retaliation by the European Union. This will result in the loss of jobs here in the U.S., as European customers may no longer send planes to the U.S. and the Europeans may impose costly certification and inspection processes on U.S. repair stations.

Also, H.R. 915 included a provision that would automatically sunset airline alliance antitrust immunity agreements 3 years after enactment. We are told this could threaten approximately 15,000 airline jobs in the United States. Considering U.S.-based airlines have already been forced to cut a staggering

41,000 jobs, nearly 10 percent of their work force in the last 2 years, further job loss resulting from this provision raises obvious concerns.

I'd like to thank Chairman OBERSTAR, Chairman COSTELLO, and Ranking Member JOHN MICA and other members of the committee for their continued dedication in working to pass an FAA bill. Many thanks also to our hardworking staff for the effort they've put in over the last 3 years.

And in conclusion, I support the general goals and the majority of this bill in terms of increasing infrastructure investment, advancing NextGen, improving safety and the environment, and increasing passenger protections. There are a few specific provisions that will preclude me from voting for the House amendment to H.R. 1586. Nevertheless, I'm pleased we're considering this bill today and, after it passes, I look forward to continuing to work with my colleagues in a conference committee with the Senate so that we can get a bipartisan, bicameral FAA reauthorization in place.

Mr. OBERSTAR. Before the gentleman concludes, Mr. Speaker, would the gentleman yield for just a moment?

Mr. PETRI. Yes.

Mr. OBERSTAR. The gentleman referred, Mr. Speaker, to the provision in the bill that covers the air traffic controller contract. The gentleman is aware that has been resolved and settled, and in my remarks I said that is a provision that we have already agreed that would be dropped because it's no longer necessary.

Mr. PETRI. That was my observation, and I'm happy with that assurance.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. I now yield such time as he may consume to the Chair of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), who has ushered this bill through two Congresses, two successful votes on the House floor, and we're now about to go to conference and have the crowning achievement.

Mr. COSTELLO. Mr. Speaker, I rise in strong support of the House amendment to H.R. 1586. This comprehensive bill includes two bills passed by the House, H.R. 915, the Federal Aviation Administration Reauthorization Act, and H.R. 3371, the Bipartisan Airline Safety and Pilot Training Improvement Act of 2009. Together, these bills are a product of over 20 hearings of our subcommittee, of the Aviation Subcommittee, many roundtable discussions on a whole host of topics in the aviation industry, and let me say that we also had the input and worked with the Federal Aviation Administration and every group and organization in the aviation community.

Mr. Speaker, the other body passed the FAA Reauthorization bill, H.R. 1586, using an unrelated House-passed tax bill, as Chairman OBERSTAR stated. The Senate amended H.R. 1586 and in-

serted the language from S. 1451, the FAA Air Transportation Modernization and Safety Improvement Act.

In response to the action taken by the Senate, today the House will be amending H.R. 1586 with language that has already been passed by the House to ensure many important provisions included in both bills, H.R. 915 and H.R. 3371, that they're maintained throughout conference with the Senate.

There are provisions that are very important that are not included in the Senate bill that were included in H.R. 915, in the legislation that the House is amending today that I want to highlight.

First, the House bill increases the cap on the passenger facility charge from \$4.50 to \$7 to help airports that choose to participate in the PFC program to meet capital needs. According to the FAA, if every airport currently collecting a \$4 or \$4.50 PFC raises its PFC to \$7, that increase would generate approximately \$1.3 billion in additional revenue for airport capital needs each year. This increase in the PFC will allow airports to improve and expand their facilities, while creating jobs at a time when jobs are critically needed in this country.

Second, H.R. 1586, as amended, provides consistency in collective bargaining rights throughout the express carrier industry by allowing employees working on the ground and driving trucks to organize under the National Labor Relations Act, which enables employees to organize at the local level as opposed to the national level. Workers who are directly involved with the aircraft operation portion of those companies, like pilots and mechanics, would continue to be under the jurisdiction of the Railway Labor Act.

In addition, this legislation also includes one of the strongest aviation safety bills in decades, H.R. 3371, the Airline Safety and Pilot Training Act of 2009. This bipartisan legislation was written and introduced by Chairman OBERSTAR, Ranking Member MICA, Mr. PETRI, and myself last year. The legislation was introduced after many hearings and roundtable discussions and with the input of the families of those who perished in the Colgan accident in Buffalo, the pilot groups, airlines, the National Safety Transportation Board, and the Department of Transportation Inspector General, as well as many Members of this body.

Let me say, Mr. Speaker, that the Aviation Subcommittee also held hearings and roundtables on safety issues related to the Colgan accident, culminating in the introduction of H.R. 3371.

Regional airlines have been involved in the last seven fatal U.S. airline accidents, and pilot performance has been implicated in four of these accidents. Our bill, the action that we take today, and the action that we took in the legislation before us will strengthen pilot training requirements and qualifications.

There are five important provisions that I want to highlight very quickly

that were originally included in H.R. 3371 and in the bill before us.

First, to address pilot qualification, the bill increases the minimum number of flight hours required to be hired as an airline pilot. Currently, the first officer only needs a commercial pilot's license to be a pilot, which requires a minimum of 250 flight hours. There is a consensus that 250 hours is simply not enough to be an airline pilot and that safety would be improved by raising the standard.

Under our legislation, all airline pilots must obtain an airline transport pilot license, which is currently only mandatory for an airline captain. The ATP requires a minimum of 1,500 flight hours and additional aeronautical knowledge, crew resource management training, and greater flight proficiency testing.

The legislation also strengthens the ATP qualitative minimum requirements, such as demonstrating the ability to function effectively in a multi-pilot environment and in training to fly in adverse weather conditions, including icing.

Second, we mandate several outstanding NTSB recommendations related to pilot training that were discussed at our hearings, such as those on stall and upset recovery and remedial training.

Third, to ensure that airlines can make informed hiring decisions, the bill requires the FAA to create and maintain an electronic pilot records database. The database will allow an airline to quickly assess an applicant's comprehensive record for hiring purposes only.

Fourth, fatigue has been on the NTSB's most wanted list since 1990. The bill directs the FAA to implement a new pilot flight and duty time rule, taking into account the operating environment of today's pilots and the scientific research on fatigue. As part of the rulemaking, the National Academy of Sciences is tasked with studying the effects of commuting on pilot fatigue. In addition, the bill requires air carriers to create fatigue risk management systems to proactively mitigate fatigue.

Finally, the bill requires all Internet Web sites that sell airline tickets to show, on the first page of the Web display, the name of the air carrier operating each flight segment of a proposed itinerary.

Although there are a few contentious issues that you heard about today, I believe that we have discussed many of these issues and that they can be resolved in conference with the Senate. Virtually the entire aviation community, the airlines, the airports, general aviation, State aviation officials have communicated to us in a unified voice the need to get a multiyear reauthorization done as soon as possible.

Mr. Speaker, the House has already passed these bills separately. Incorporated together as the Aviation Safety and Investment Act of 2010, this legislation provides important stability

for NextGen and the needed capacity improvements, while also strengthening aviation safety.

I urge my colleagues to support this legislation.

Mr. PETRI. Mr. Speaker, I yield 1½ minutes to our colleague from the State of Texas, KEVIN BRADY.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the leadership of Chairmen OBERSTAR and COSTELLO, as well as our ranking leaders, Mr. MICA and Mr. PETRI, on the aviation infrastructure, but I rise in opposition to the bill which includes a number of provisions which would hurt our Nation's airlines, especially when many are suffering losses.

By sunseting in 3 years the antitrust immunity for airlines participating in international alliances, this bill puts at risk the global competitiveness of U.S. airlines, and reduces benefits for consumers.

International alliances help better serve Americans when traveling abroad. When airlines partner together, consumers benefit from the enhanced competition. They get greater access to lower fares, better online services, and more connecting options. And if airlines are at risk of losing their immunity, airlines may not enter into alliances and may cut back on cooperation with foreign air carriers. And consumer benefits would be put at risk, along with 15,000 American jobs supported by the industry.

Oversight has been raised as an issue, but there is more than adequate oversight already and review of these alliances by both the Department of Justice and the Department of Transportation. The Transportation Department may amend or revoke any existing immunity grant, and the Department of Justice is able to investigate antitrust concerns.

Mr. Speaker, alliances often require significant and long-term investments for U.S. carriers. Unnecessarily sunseting them would compromise the viability of the industry, benefits to consumers, and American jobs in a weakened economy.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Minnesota has 18 minutes remaining. The gentleman from Wisconsin has 20 minutes remaining.

Mr. OBERSTAR. I now yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairmen of the full committee and the subcommittee and the ranking member for their excellent work on this.

There are a number of issues that are extraordinarily important to the public, the traveling public, in these two pieces of legislation.

The pilot training requirement, something I've been talking about since the early 1990s, I was shocked to find out that for those airlines who don't have higher standards, that they

can hire someone with 250 hours of experience and put them up there on the flight deck. This didn't become apparent to a lot of the American public until after the horrible tragedy of the Comair crash last year, but it has been something that has been going on for years.

□ 1545

These low-budget sorts of carriers are trying to drag down the industry. Instead of hiring people with higher qualifications, paying them an actual decent working wage, when you have someone working for a little bit over minimum wage flying your airplane, do you feel good about that? I don't. With very inadequate training and someone who's been up overnight because they can't afford to have their own apartment and they have to commute across the United States of America to go home and sleep in their mom's house? That's a heck of a way to run an industry.

By raising the bar and raising the standard, we will not disadvantage anybody except those who are dragging down the system. We will have a new, higher standard, which the good airlines are already meeting, and those who are not meeting are going to be forced to meet and they're going to be forced to pay competitive wages to get people who are trained to that level. This will make the American traveling public safer.

In addition to that, I first introduced with now-Senator BEN CARDIN a bill on passenger rights in 1987. We've never quite gotten there until this legislation. We have some critical and basic passenger rights embedded in this FAA reauthorization—something that has been decades in the making. We came close a number of years ago but the then-Republican majority cut a deal for some voluntary standards which haven't been exactly subscribed to by some members in the industry. The industry is variable. Some are much better than others. This will make them all go to the same level of protections for consumers.

Again, we're putting a floor in there. If someone wants to exceed it, that's great. But let's move the floor up and go after those who are abusing passengers.

Then, finally, in terms of the overall system, this FAA bill will move us to a 21st century system for air traffic control, one that will allow the airlines much more use of our airspace, much more efficiently avoid storms, fly more fuel-efficient routes, avoid delays. That will be of tremendous benefit both to the industry and the traveling public, that additional predictability with NextGen.

I would recommend to our colleagues that we unanimously pass this legislation.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to our colleague from Texas, Lamar Smith.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank my friend

from Wisconsin for yielding me time. I would also like to thank Chairman OBERSTAR and Ranking Member PETRI for their hard work on this legislation.

Mr. Speaker, I have one concern about section 426 of the House amendment to H.R. 1586, which I hope will be addressed. Section 426 does two main things: it requires the Government Accountability Office to study the effect of Department of Transportation grants of antitrust exemptions on consumer welfare; and sunsets the existing antitrust exemptions after 3 years.

These grants of antitrust immunity allow airlines to "codeshare" with international partner airlines. This in turn allows the airlines to offer more flight options to consumers. It also means that consumers can accrue and use frequent flier miles on many airlines. Having more flight options and more ways to spend miles is certainly a boon for the consumer. In addition, the airlines contend that these alliances make for healthier airlines, which is good news for the thousands of workers that these companies employ.

As ranking member of the House Judiciary Committee which has jurisdiction over the antitrust laws, I have concerns that under current law, only the Secretary of Transportation can grant these immunities. The Department of Justice's antitrust division does not have a formal role in that process. That is something that I think needs to be examined. I understand that the Senate version of this bill does not have a similar provision. It is my hope that the House Judiciary Committee will be included in any conference on this legislation so that we can offer our antitrust perspective on this particular issue.

Mr. OBERSTAR. I yield myself 1 minute to respond to a repeated misunderstanding of and misconstruction of the language referring to antitrust immunity.

Airlines are free to engage in alliances and have been ever since the Deregulation Act of 1978. The threat to competition and to airline prices and fairness in the marketplace is to bless that relationship, codesharing, with immunity from the antitrust laws so that the airlines in the alliance can collude on market and pricing and on scheduling. They should not have antitrust immunity.

The alliance is a fair and equitable competition device, but it should not be free from the antitrust laws of the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself 30 seconds.

If I had my way, I would eliminate the antitrust altogether, but we're providing a process by which the benefits of alliances that have been given antitrust immunity can be evaluated, determined whether there was a balance of benefits to the traveling public; if so, if they prove their case, they show that there are benefits, then the antitrust immunity continues in place.

I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I want to thank the chairman of the full committee and Chairman COSTELLO. These two chairs have done what can only be called heroic work twice. To do heroic work once, perhaps we'll say that's what chairs do. But this bill through two Congresses has only been improved by what they have done. The merits are not so much what this amendment is about, although there is a very important amendment in this bill.

I do want to say that this is a real jobs bill because it's an infrastructure bill at heart about updating our airline and airport infrastructure. But the bill is full of what the country yearns for and why it was so popular here and in the other body. It's just got the whole panoply of what is necessary to update the FAA: consumer protections that people yearn for, especially as the summer months approach; very much improved safety for the flying public, including the number of training hours for commercial pilots, and we've learned that one the hard way, with airline accidents, while this bill has been winding its way through both Houses.

We have a very aged air traffic control system. This bill brings all of these moving parts together and the committee chairs and the ranking members deserve very special praise for putting together so complicated a bill.

I want to comment on one matter that still is in conference and that has to do with the perennial matter of the slots and the perimeter and the desire of some in the other body, certainly, to save a few minutes by coming to overcrowded Reagan Airport rather than to Dulles or to BWI. For two decades, there was a statutory limit on the number of slots, and then there began to be inroads into it. This has to do with the perimeter where planes can arrive or depart to this airport, in order to even out the air traffic with the three airports in this region and to abate noise and traffic congestion on the ground.

Since 2000, we have had to fight every time this bill came up in order to save the perimeter rule. The perimeter appears to have been saved, and I appreciate the way the chairman worked on this; no modification in the perimeter, although there are going to be more flights, it looks like, with big planes coming in. We have offset the flights from beyond the perimeter by using 10 slots within the perimeter that were unused.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. OBERSTAR. I yield the gentlewoman an additional minute.

Ms. NORTON. We have been very fair in trying to keep this an even system on the air and on the ground. I understand that, in the other body, Mr. WARNER and Mr. WEBB are working still on

this issue in conference. What has given them the best head start, Mr. Chairman, is what you did here to save the perimeter rule. I think by the time it got there, they knew that that could not be overcome. And if we work together, I think we can finally call this the year of the FAA bill.

I thank both sides for how well you've worked together on this very important bill.

Mr. PETRI. Mr. Speaker, I have only one request for time, and I reserve the balance of my time.

Mr. OBERSTAR. How much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 16 minutes remaining. The gentleman from Wisconsin has 18½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this motion from Chairman OBERSTAR. I would like to commend Chairman JIM OBERSTAR and Chairman JERRY COSTELLO for their leadership and for making FAA reauthorization and aviation safety top priorities of our committee and of this House. We've held over 20 hearings and five roundtables on the FAA reauthorization in the last couple of years.

The House-passed FAA reauthorization will not only modernize our Nation's air transportation system—which is crucially needed right now—but will also significantly boost safety and enhance protections for consumers and the environment.

I was especially pleased to work with the chairman to incorporate a number of pro-consumer/pro-environment provisions into the bill, including holding airlines more accountable for delayed passenger bags; requiring airports to consider the implementation of recycling programs; establishing a Federal research center to develop alternative jet fuel; funding research to eliminate the use of lead in aviation gas; and requiring an open, competitive process for airport projects with the use of QBS.

I look forward to continuing to work with Chairman OBERSTAR, Chairman COSTELLO, and the ranking member as we move to conference with the Senate. Right now we have to continue to look forward, especially with NextGen. We need to get this done for the American flying public, and I urge my colleagues to support this amendment.

Mr. PETRI. I continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of the Oberstar amendment, Subcommittee Chair COSTELLO, and the FAA Authorization Act as passed by the Senate. The Oberstar amendment makes a number of necessary fixes, one of which is to assure that the bill is in compli-

ance with PAYGO rules. I want to thank Chairman OBERSTAR for his unrelenting leadership in bringing this amendment and the original FAA Authorization Act to the floor.

The FAA Authorization Act represents our commitment to safety in general aviation, commercial, cargo, and many other areas, especially the innovative programs to come. This is important to our economy, but also to our quality of life. I fly two times a week, 3,000 miles each way. So I can tell you as a passenger that all of the work that we do in our committee is important.

In the committee hearings, we have discussed issues from safety, to programs, to what's going on with the pilots. I can assure you that Subcommittee Chairman COSTELLO has made every effort to ensure that this authorization is a good bill and meets the needs of the public.

□ 1600

This authorization is a step in the right direction to the total modernization that is needed and that has been long awaited.

Transportation experts and those who work in the airline industry agree that this is the time for a bold, new transportation vision. Many Members have already spoken so far about the upcoming awaited implementation of NextGen, but this bill is much more than that.

That is why I am proud to provide support to the FAA Reauthorization Act as it comes before the House today, and not only today, but as Chairman OBERSTAR brought it to us before.

I urge my colleagues' support in this effort.

Mr. PETRI. I have only one request and continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have only one speaker left on our side, and so since it is our responsibility to close, I would ask the distinguished gentleman from Wisconsin to acknowledge his remaining speaker.

Mr. PETRI. I thank the chairman.

I yield such time as he may consume to my colleague, JOHN MICA, from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. PETRI has done a great job as our Republican leader of the Aviation Subcommittee. I admire his work. Mr. COSTELLO, who chairs that committee, Mr. OBERSTAR, the former Chair of that subcommittee, myself, as a former Chair of that subcommittee, a tremendous amount of expertise out here today.

Our committee is pretty bipartisan, and we try to get things done, not just in the interest of our committee, not in the interest of a partisan position, but in the interest of the country. I am particularly frustrated today, and I expressed some of that frustration when the rule came up. And the rule, as Members know, Mr. Speaker, is the

manner in which we consider a bill and amendments.

Most Members may not be aware, Mr. Speaker, of the little quandary that we are in right now or how we got in this position. This, in fact, is an FAA reauthorization. It would be for a number of years. This is the full bill. The bill that I worked on in 2003 that expired in 2007, we have done 13 extensions as of, I think, this past week.

We have heard that, you know, it may be Bush's fault that we didn't pass something during the first 2 years that the Democrats controlled in overwhelming majority numbers both the House and 60 votes, until about a month ago, in the other body.

But you can't tell me, of all people, that we couldn't deal with President Bush on an issue that affects 11 percent of our economy. This is 11 percent of our economy.

I stood on the floor and led the fight to override a Bush veto. I think it was the 107th veto in the entire history of the Congress.

Mr. OBERSTAR happened to be in the hospital at the time, but they were in the majority, and we did the right thing on a water resources bill. I took on my administration—and I would do the same thing then on Federal aviation authorization because it is in the interest of the people that we move this forward. When we don't have policy relating to how we operate the Federal Aviation Administration or avia-

tion safety, legislation up to date, there is something wrong.

So please don't tell me it's Bush's fault. The Bush that I know of didn't have a vote here. We had the vote. We had the responsibility to get this done years ago.

Now, what really frustrates me even more is the position that we find ourselves in. We are engaged in, I said during the Rules debate, a huge ping-pong ballgame with this bill and with this legislation. The 13th expiration of the legislation and extension we had to do is now sitting over in the other body, I am told.

Now, listen to this, it may expire next week, the 31st. We offered an extension through the beginning of July. It has a provision in there that Mr. OBERSTAR got, an agreement; we agreed together that we should correct a formula for distribution of highway funds for major infrastructure projects, projects of national significance, so that four States wouldn't hog the money, get 58 percent of it. We put that provision in there, and now it's being held hostage. What the other body did, they sent another bill over here, not our bill, they sent on a Ways and Means measure, their bill, so that basically it wouldn't be conferenced.

Now Mr. OBERSTAR is putting his bill that we passed last May for an extension, a full extension, on this measure. The sad part about that is that's not going to pass right away, so we need

the measure, and we could have an expiration of our authorization for FAA next week.

This is absolutely unbelievable, inexcusable.

Now I said in the Rules Committee, and that's water over the dam, but I would rather have taken the Senate bill, made the corrections. I can tell you now that when we pass an FAA bill that some provisions are not going to be in it. You have heard opposition to the antitrust immunity sunset. That has the potential for killing 15,000 American jobs, 15,000 American jobs at a time when unemployment is at its highest rate in the United States in decades.

The foreign repair station provision that we are adding back in, we are adding these things back in today to go back over there to ping-pong back and forth, and they aren't going to pass. They aren't going to pass. The foreign repair station provision, which just happens to violate international treaties, would also threaten 130,000 good-paying jobs in the United States of America. How sad today that we are playing games when people need good-paying jobs and with the potential of passing this. Now, people are going to vote for this in a few minutes.

Mr. Speaker, I would submit for the RECORD the list of certified repair stations in House Aviation Subcommittee members' districts.

U.S. BASED EASA CERTIFICATED REPAIR STATIONS IN HOUSE AVIATION SUBCOMMITTEE MEMBER DISTRICTS

Member	Name	Location	EASA?	Employees
Democratic Member:				
Costello	Midcoast Aviation	Cahokia, IL	Yes—#4676	1,339
Filner	Rohr Inc	Chula Vista, CA	Yes—#4831	1,339 613
Larsen	Goodrich Interiors Seattle Service Center	Everett, WA	Yes—#4265	613
	Messier Bugatti Systems Inc	Everett, WA	Yes—#5403	13
	Precision Engines LLC	Everett, WA	Yes—#4781	26
Carnahan	Ameron Global Product Support	St. Louis, MO	Yes—#4712	45
	Essex PB & R Corporation	St. Louis, MO	Yes—#5184	84
Griffith	BASF Catalysts LLC	Huntsville, AL	Yes—#5314	10
	PPG Industries	Huntsville, AL	Yes—#4755	9
Johnson	Associated Air Center LP	Dallas, TX	Yes—#4173	19
	Chromalloy Gas Turbine LLC	Dallas, TX	Yes—#4320	20
	Dallas Airmotive Inc	Dallas, TX	Yes—#4368	636
	Flite Components LLC	Dallas, TX	Yes—#5303	656
	Gulfstream Aerospace Services Corporation	Dallas, TX	Yes—#5384	208
	Learjet Inc	Dallas, TX	Yes—#5311	200
	National Aircraft Services Inc	Dallas, TX	Yes—#5209	525
	Pratt and Whitney Services Inc	Dallas, TX	Yes—#6066	19
	Premier Air Center Inc	Dallas, TX	Yes—#6049	12
Mitchell	Arinc Inc	Scottsdale, AZ	Yes—#5987	19
	Copper State Turbine Engine Company	Scottsdale, AZ	Yes—#6056	43
Cohen	Aeroframe Airepairs	Memphis, TN	Yes—#4134	45
	Aerospace Products International	Memphis, TN	Yes—#5220	88
	Avionics Specialists Inc	Memphis, TN	Yes—#4220	76
	Floats and Fuel Cells Service Center	Memphis, TN	Yes—#4448	9
	Intersky Precision Instrument	Memphis, TN	Yes—#4576	80
	T-Aerospace LLC	Memphis, TN	Yes—#5628	13
Richardson	Belt Makers Inc	Torrance, CA	Yes—#6065	15
	Cupeny Corporation	Torrance, CA	Yes—#4359	25
	Honeywell International	Torrance, CA	Yes—#4135	218
	IPECO	Torrance, CA	Yes—#5366	7
	MOOG Inc	Torrance, CA	Yes—#4684	10
	Plasma Technology Inc	Torrance, CA	Yes—#4751	111
	Robinson Helicopter Company	Torrance, CA	Yes—#5073	17
	Shimadzu Precision Instruments Inc	Torrance, CA	Yes—#5693	107
Brown	Flightstar Aircraft Services	Jacksonville, FL	Yes—#5370	45
	JAS Services Inc	Jacksonville, FL	Yes—#5386	8
				1,015
				8
				1,320
				513
				9

U.S. BASED EASA CERTIFICATED REPAIR STATIONS IN HOUSE AVIATION SUBCOMMITTEE MEMBER DISTRICTS—Continued

Member	Name	Location	EASA?	Employees
	Unison Industries LLC	Jacksonville, FL	Yes—#4976	42
	Cessna Aircraft Company	Orlando, FL	Yes—#4303	156
	Chase Aerospace Inc	Orlando, FL	Yes—#5226	17
	Hawk Aviation Services	Orlando, FL	Yes—#6015	7
	Live TV	Orlando, FL	Yes—#6030	156
	Swissport USA Inc	Orlando, FL	Yes—#5642	35
				935
Cummings	Avdyne Aeroservices LLC	Baltimore, MD	Yes—#6038	33
				33
Ortiz	MC Turbine Inc	Corpus Christi, TX	Yes—#5625	100
				100
				7,140
Total EASA Active Certificated Jobs in Democratic Aviation Subcommittee Member Districts.				
Republican Members:				
Petri	Gulfstream Aerospace Services Corporation	Appleton, WI	Yes—#4607	850
				850
Coble	Cessna Aircraft Company	Greensboro, NC	Yes	100
	Genesis Aviation	Greensboro, NC	Yes	51
	GSO Aviation	Greensboro, NC	Yes	4
	Triad International Maintenance Corporation	Greensboro, NC	Yes	1,391
				1,546
Ehlers	Eaton Aerospace LLC	Grand Rapids, MI	Yes	72
	GE Aviation Systems LLC	Grand Rapids, MI	Yes	38
	L3 Communications Avionics Systems	Grand Rapids, MI	Yes	139
				249
Gerlach	Innovative Solutions and Support	Exton, PA	Yes	156
				156
Mack	Air Technology Engines, Inc	Naples, FL	Yes	13
				13
Schmidt	Cincinnati Thermal Spray, Inc	Cincinnati, OH	Yes	88
	CTL Aerospace Inc	Cincinnati, OH	Yes	52
	TSS Aviation, Inc	Cincinnati, OH	Yes	265
				405
Fallin	AAR Services Inc	Oklahoma City, OK	Yes	788
	Dow Aerospace	Oklahoma City, OK	Yes	14
				802
Buchanan	Baker Electronics Inc	Sarasota, FL	Yes	45
	L3 Communications Corporation	Sarasota, FL	Yes	196
	Radiant Power Corporation	Sarasota, FL	Yes	40
				281
				4,302
Total EASA Active Certificated Jobs in Republican Aviation Subcommittee Member Districts.				
				11,442
Total EASA Active Certificated Jobs in ALL Aviation Subcommittee Member Districts.				

At least 13 EASA Active Certificated Jobs in 20 of 44 Aviation Subcommittee Member Districts.

These are just members of the Transportation and Infrastructure Committee who will lose jobs. I saw Ms. RICHARDSON speak; she will lose about 1,300 jobs in Torrance, California. I heard Mr. COSTELLO speak, the chairman of the Aviation Subcommittee; he has the potential for losing 1,339 jobs.

The FedEx provision, which will allow local strikes, everybody knows what this is about. The other body has said, no, they will not accept it. Our side of the aisle has said, no, we will not accept it. It's not going to be in a final bill. Wake up to reality and pass the legislation that has been lacking now for 3 years.

We have not set the policy, the projects, the funding formula at a time in when this Nation needs jobs—j-o-b-s, jobs. It's that simple. So why are we playing this obscene, kabuki game with the other body?

The aircraft rescue and fire mandates one-size-fits-all will actually close down some of our airports to require and mandate some of the provisions that we are going to send back over there—one-size-fits-all for little airports. Little airports don't need the same requirement as La Guardia, JFK, LAX, MCO. They don't need the same requirements. So why would we impose those expensive, unworthy require-

ments on all of our airports across the land that's opposed by the airports.

So here we are, we are going home. We have to face people who have lost their jobs, people who have lost their homes, people who come to you with tears in their eyes because they can't provide for their families.

And what are we going to tell them? We are going to tell them with a straight face, folks, we played this little game with 11 percent of our economy, and we have no policy. We haven't approved the projects, now, for some 3 years. We could blame it on Bush, we could blame it on whoever. But the fact is, we are responsible. We had the ability to do this now rather than later, and we didn't do it. So we should be embarrassed.

Now, I know Mr. OBERSTAR has done as much as he can do. But at some point you have to face reality and see some of these provisions are not going to be in any final reauthorization. So I am not a happy camper. I am going to oppose this. If it came down to one vote, and it required my vote to go forward, it won't happen. But if it did, I would vote to pass it even though I am in opposition right now, because I have to move the process forward, and that's my responsibility. But many will vote against it because they opposed it be-

fore, and here we are again doing the same thing.

This is like Groundhog Day. We are repeating it over and over all to the detriment of the American people. Folks, the American people don't want a Groundhog Day. They want us to get the job done, and they want jobs out there.

Mr. OBERSTAR. I yield such time as he may consume to the chairman of the subcommittee, Mr. COSTELLO.

Mr. COSTELLO. I thank the gentleman for yielding.

Mr. Speaker, let me thank Chairman OBERSTAR for not only all of his hard work—I think everyone in this body recognizes that no one knows more about aviation and transportation issues, not only in the Congress, but I would venture to say in this country, than the chairman of our full committee, Mr. OBERSTAR.

Both of these bills, both the reauthorization bill and the pilot safety bill, are very good bills. Both have gone through extensive hearings. As I said, we had over 20 safety hearings on the reauthorization bill. We had many roundtable discussions. We had the input of everyone that you can think of in the industry. We heard from all sides. No one was shut out of the process.

The airlines, the airports, the pilots, the flight attendants, the mechanics, the family members of those who perished in the Colgan tragedy, we heard from all of them. We had Captain Sullenberger in to talk to us about the pilot safety bill to seek his opinion about what needed to be done as far as increasing standards and improving safety.

So both of these bills, both the reauthorization bill and the pilot safety bill, they also—not only did we go through extensive hearings but they passed the committee overwhelmingly and passed this body overwhelmingly. There are no surprises in either one of those bills, in the FAA reauthorization bill or in the pilot training bill. All of the issues, all of the provisions that are in both of these bills have gone through extensive hearings and through extensive discussions. There were no surprises.

My friend from Florida makes reference to the bill that he passed as chairman of the Aviation Subcommittee in 2003, and I think it's worth noting that we, as chairman of the Aviation Subcommittee and Mr. OBERSTAR as chairman of the full committee, we started negotiations on the reauthorization bill back in 2007, in the spring of 2007. We met with our friends on the other side of the aisle. We talked about the reauthorization bill, what needed to be in it, and it was the Bush administration.

My friend from Florida knows because he told me over and over again that if we passed the bill that we were putting together, that the Bush administration would veto the bill. In addition to that, it was the Bush administration administrator of the FAA at the time, Ms. Blakey, who was the administrator of the FAA, who, in fact, we had a difficult time negotiating with her concerning some provisions in the bill, in particular, the contract problems with the air traffic controllers.

And then after she left the position and an acting administrator, Mr. Sturgell, was appointed, he, in fact, dragged negotiations out. And finally, when we got to the point where we thought we had an agreement, there was only one pending problem with the agreement, and the FAA demanded some concessions on the part of the air traffic controllers. And the air traffic controllers came into a meeting with all of us and said, if that's what it takes to get a contract and get this dispute settled, we will give it up. We will make these concessions.

And Mr. Sturgell, in that room, said, well, there are other issues. We thought we had an agreement but for one item. And when the air traffic controllers said we will make those concessions, we are all in to get this solved, it was the Bush administration that said, we have more problems and other issues that we have to discuss.

□ 1615

So let me just say that I am not here to point fingers. But when my friend from Florida says that the Democrats control the House and the Senate and the White House, the fact of the matter is what I just said: we were ready to go with the bill in the spring and summer of 2007, and the reason that it was held up is because we continued to try and negotiate and try and get the Bush administration and the FAA under the Bush administration to reach agreements with us and, unfortunately, it did not happen. We came to the floor, and we passed the bill in 2007 with very strong support.

Again, I would just remind Members, there are no surprises in this bill today. Every provision in the FAA reauthorization bill, every provision in the pilot safety and training bill, all of those provisions were aired out with everyone in the industry and, in fact, were discussed by the leadership of the committee and the members of the committee when these bills were marked up in committee. We had extensive discussions. There are no surprises. Nothing has been added to either one of these bills that we have before us today.

Let me conclude, Mr. Speaker, by saying, Mr. MICA says this is a job killer and in fact has read off from a list of how many jobs that each Member could potentially lose in their district. Let me tell you what the FAA says.

The FAA says that this is not a job killer, but it will create jobs. And what they say is, in the short term, the bill will immediately create good construction and technology jobs, giving local economies the jump-start they need. So the economics will improve, the economy will improve. According to the FAA, the bill will allow billions to be spent on upgrading and expanding airports throughout the country. It is expected to create 125,000 jobs annually.

That comes from the FAA. This is not a job killer. This is a job creator. It is investing in our infrastructure at our airports, it will reduce congestion, it will reduce delays. It has a consumer protection provision in these bills to protect passengers.

Let me just conclude by saying that I would hope my friend from Florida and my friends on the other side of the aisle would in fact vote in favor of this legislation. And whatever differences that we may have in the provisions that they may not like, that's why we have a conference, that's why we go to conference, to work out our differences.

So I would urge my colleagues to vote "yes" on this legislation.

Mr. PETRI. Mr. Speaker, I would just observe that we are talking past each other a little bit. I think the bill overall, I certainly would not dispute the estimate of the Department of Transportation or the FAA that increasing the funding available for construction of new airports and for operating the

system and for putting in the NextGen and so on will create jobs within the airline system.

But I think the ranking member, Mr. MICA, was speaking about some other provisions of the bill and the impact it might have under certain interpretations, on, for example, repair stations or on airline jobs in this country. So there would be gains in one area, but there are potential losses in another area. That was the concern.

Mr. MICA. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman.

Mr. MICA. To that point, I did say I would be willing to cast, if it came to one vote, a vote to move this process forward, because I have always tried to work in a bipartisan manner, and I appreciate the manner in which, Mr. Speaker, both Mr. COSTELLO and Mr. OBERSTAR work on this.

One of the things that does concern me—and it's my understanding, Mr. Speaker, that this came over on a Ways and Means measure. We are sending it back. We won't necessarily get a chance to even conference this in the normal manner. So I am concerned about also the process.

I am concerned, too, that we aren't passing a final bill today. This has many good provisions in it. There are some differences that need to be resolved.

In fact, what really irritates me, too, is the safety provision. The safety bill that is added on by the other body, we agreed in a bipartisan manner, and it is sinful that that is not enacted on the President's desk almost immediately. That's in this measure and I support that strongly, and we worked together to get that on there. But we do have differences and we do have to face reality, and we need to get the job done.

Mr. PETRI. I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore. The gentleman has 9½ minutes remaining.

Mr. OBERSTAR. I yield myself such time as I may consume.

First, I have made it clear from the outset that the process in which we find ourselves on the House floor is due to the means by which the Senate brought their bill through the Senate and sent it over to us, and one aspect of that is that the aviation bill reported by the Senate includes a tax provision, which the Senate cannot initiate. Under the Constitution, it must be initiated by the House.

So in order to keep faith with the Constitution, the Senate amended an already-passed House tax bill to which they added their aviation bill. The tax provision has now been vacated, and we send back to the Senate an aviation bill on which there will be a conference.

We have insisted on it. Our leadership has concurred and said there will be a conference; they agreed with the Senate leadership, and there will be a conference. And these issues that have

been discussed of the provisions of the House bill have twice passed the House already, will be matters to be discussed with our colleagues in the Senate in the conference in an open conference session, period. It is a complex process to get us there, but it is a process by which we will get to conference with the Senate.

Now, never did I say in my remarks that the inability to pass this bill in 2007 was the fault of President Bush. I did not say that. I said, and I read from the Statement of Administration Policy, that if our 2007 bill, H.R. 2881, were presented to the President, his senior advisers would recommend that he veto the bill. That is quite plain on its face a statement recited from the administration's Statement of Administration Policy.

We moved, as Mr. COSTELLO already explained and laid out the time line, very promptly in our committee, preceded by consultations with our Republican colleagues. We had discussions in February, March, and April, into May. We had a markup in committee in May. And then we withheld going to the floor in an attempt to reach an agreement with the FAA, the Bush administration, and the air traffic controllers.

And I must compliment the gentleman from Florida (Mr. MICA), the ranking member, for his participation, his ready willingness to engage personally, not just send minions, but to engage personally in that process. He participated in numerous meetings with Mr. COSTELLO and me, Secretary Peters, Marion Blakey, administrator of FAA, and a person from the Office of Management and Budget to speak authoritatively for the administration on the budget and expenditure issues. We talked extensively in June and in July. We had several meetings through July and the first week of August.

We came back the first week of September after the August recess, and again, Mr. MICA in the room, we had discussions. I give him great credit for engaging himself personally. We could not reach the—not “we”—the air traffic controllers and the administration could not reach agreement. At that point we said we do have a responsibility to move this bill, and on September 20 it passed the House 267–151.

There was no comparable bill in the Senate. The Senate was wrestling with the administration's proposals for taxes that Senators objected to, financing agreements that the Senate objected to that they found that they could not reach agreement internally nor could they reach agreement with the administration. Therefore, we had to pass finally an extension of current law, the bill that Mr. MICA authored as Chair of the Aviation Subcommittee in 2003 and which we all supported.

Since then, we have had a Presidential election, the administration moved in, and we moved promptly on our bill. We did all the right things to reach agreement, starting from our point in 2007 and 2008. Meanwhile, the

administration addressed the issue of the air traffic controller contract. Secretary LaHood made it his first responsibility: bring the controllers in, bring the FAA, bring the Office of Management and Budget into discussions. Find what the points of agreement were, points of disagreement, and resolve the matter, as it should be done.

With good will and willingness on both sides, some 600 items were resolved, including the very crucial ones of pay and pay grades and pay scales, and a starting point of next negotiation for the follow-on contract. It was a remarkable achievement, and the end result was that 94 percent of controllers voted in favor of it.

I am very mystified by the comment that I heard about the aircraft rescue and firefighting standards. Section 311 requires the FAA to begin a rulemaking to update aircraft rescue and firefighting standards and bring them into compliance with existing national voluntary consensus standards for response time, deployment, staffing, hazardous materials training only if such standards are found to be practical.

That is not a one-size-fits-all. That is not a straitjacket. That is not imposing something arbitrarily. That is a process by which these issues can be resolved. It is a rational response. It was agreed upon in our committee. FAA, airport authorities, International Association of Firefighters participated in developing the standards and support them. The rulemaking will provide a process by which all those who have an interest in air crash fire and rescue will have the opportunity to have a say in and shape the final standards.

We are not doing it by law. We are not saying this is the standard. We are not shoving something down somebody's throat. We are creating a process by which that standard can be established.

I know a good deal about air crash rescue and firefighting because we have a facility in Duluth, not at the airport, but operated by the community college, lake Superior College. It's no longer a community college, it's a full-fledged university-level operation, and they train firefighters. They were training over 2,000 a year from all over the United States, from 14 foreign countries that came to this facility. They know a good deal about standards and about equipment and training of personnel.

□ 1630

They have, in fact, the hull of a DC-10 that is used as training. They put it on fire a couple of times a week. They train people in how to deal with fire and to rescue people from burning aircraft. And so what we've created in this legislation is a process by which standards will be set for the whole country to save lives.

The pure speculation and the scare tactics that the airlines have engaged in—they've sent talking points to people around the country and to various

airport authorities and had them send this false information on. That's pure scare tactics. I already used time to explain this with the gentleman from Texas.

This bill needs to pass.

Mr. POMEROY. Mr. Speaker, I rise today to express concern with certain provisions of H.R. 1586, the FAA Air Transportation Modernization and Safety Improvement Act of 2010.

I am pleased that the Senate has taken action on the Federal Aviation Administration, FAA, reauthorization bill, and that we are a step closer to enacting meaningful legislation that will advance airline safety and improve pilot training. While I strongly support the goals of the bill, I continue to have concerns about the pilot training provision in H.R. 1586, the FAA Air Transportation Modernization and Safety Improvement Act of 2010.

The pilot training provision requires an airline pilot to hold an Airline Transport Pilot, ATP, certificate, which necessitates a minimum of 1,500 flight hours. The new focus on total flight hours rather than the quality of those hours will not provide the increased safety and pilot quality that is the goal of this legislation. It could in practice have the opposite effect, by driving students to undertake low value flying at the expense of high quality directed flight training.

By dramatically increasing the costs of training we will drive our most qualified potential pilots out of accredited flight schools such as the John D. Odegard School of Aerospace Sciences at the University of North Dakota that have produced exceptional pilots for decades. Graduates of these programs receive high quality flight instruction that is much more valuable than a pilot who might just be racking up straight and level flight time that has no increased educational or safety benefits.

I am concerned that these increased costs could encourage pilots to seek less costly training alternatives and potentially be counter to the bill's intended goal of increasing safety. I believe that as this legislation moves forward some consideration must be given to Collegiate Aviation Programs that have been accredited by the Aviation Accreditation Board International, AABI. This will help to increase the focus of these requirements on quality of training rather than quantity of flight hours.

While I will be voting in favor of this legislation in order to move forward the important process of increasing the safety of commercial aviation, I do so with reservations. Before this legislation becomes law I believe that it is important that the bill be modified to recognize the tremendous benefits that our nation's accredited flight schools provide.

Mr. RAHALL. Mr. Speaker, as we all know, aviation is a critical component of our Nation's transportation system. Aviation not only supports the quick and efficient delivery of goods and services it is essential to the health and success of our Nation's commerce.

While moving goods and people is a major aspect of aviation, we must not overlook the role aviation and our airports play in the well-being of our small communities. In many cases, they act as the economic engine that powers our local economies.

Essential Air Services has assisted our small communities in kick starting the promise of economic development. In fact, businesses often cite proximity to air service as one of their top requirements in choosing a location.

Throughout my career I have taken steps to not only ensure increased EAS funding, but to ensure on-time regularly scheduled air service is a priority for small communities, as well as large communities.

My March 8, 2010, letter to the U.S. Government Accountability Office, with signed support from Chairman OBERSTAR and Subcommittee Chairman COSTELLO, requests an investigation into delays and cancellations in small communities. This request initiates the process of narrowing down what changes we can make to increase air service reliability at our rural airports. The FAA Air Transportation Modernization and Safety Improvement Act renews our commitment to the Essential Air Service program.

As the Representative elected nearly 34 years ago by the great people of southern West Virginia, I know just how crucial EAS is to the survival of many rural airports.

The last FAA reauthorization bill made the Small Community Air Service Development, SCASD, Program a permanent program and increased authorized EAS funding to ensure the continuation of air service for rural businesses and residents that otherwise would find local air service too expensive.

This bill today improves our commitment to rural communities, brings stability to rural air service and encourages small communities to build relationships with air carriers that serve them. As importantly, this bill increases the authorized funding level for Essential Air Service, EAS, from \$127 million to \$200 million per year through FY 2012 and extends the Small Community Air Services Development, SCASD, program through FY 2012 at the current authorized funding level of \$35 million per year.

Airports have a vital role in our communities serving as both direct and indirect employers of our citizens—from the aircraft mechanics and airport managers who support the safety and on-time performance of flights, to the cooks and custodians who provide comfort and convenience for weary travelers.

Airports attract business development to communities and ensure local businesses remain robust and have opportunity for growth. For these reasons and more, businesses are drawn to those communities that can boast of a strong local airport.

To stay competitive in an ever-changing global marketplace, airports are constantly faced with pressures to modernize their operations. Often, local communities take it upon themselves to come up with the necessary funds and make improvements themselves. That is a crucial, and often difficult, goal.

Essential Air Service funding can make the difference between a community having access to aviation or not. The program has kept many airports operational and, in many cases, made lasting improvements to the services offered.

We must take it upon ourselves to do more to ensure that local airports, like the ones in my State of West Virginia, can continue to operate and provide much needed air service and jobs.

In closing, I just want to reiterate my strong belief that the EAS program provides rural areas with a vital link to our national air transportation system and promotes business development in our local communities.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the FAA Air Transportation Moderniza-

tion and Safety Act. This important legislation will modernize our air traffic control systems, improve safety, and protect passenger rights.

This bill will provide historic funding levels to improve airports, streamline operations, and update our air traffic control system to make it safer and more efficient. It strengthens air carrier oversight and revises training requirements to ensure that all the pilots in the cockpit have the most advanced certification. Finally, it provides vital consumer protections to make sure that when there are long delays on the tarmac, passengers have the option to leave the plane.

I hope my colleagues will join me to support this bill and that we move quickly to reconcile differences with the Senate and enact this much-needed legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of the motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXPRESSING SUPPORT FOR BAN- GLADESH'S RETURN TO DEMOC- RACY

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1215) expressing support for Bangladesh's return to democracy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1215

Whereas March 26 is the anniversary of Bangladesh's independence;

Whereas the Constitution of Bangladesh, ratified in 1972 following a war of independence, established a democracy ruled by and for the people of Bangladesh;

Whereas Bangladesh has a population of approximately 160,000,000 people, is the world's fourth most populated Muslim country, and is a moderate and democratic Muslim nation;

Whereas before elections in December 2008, Bangladesh held what the international community viewed as three free and fair elections in 1991, 1996, and 2001, respectively;

Whereas in October 2006, power was handed over to a caretaker government before the January 22, 2007, scheduled election and the caretaker government subsequently imposed a state of emergency on January 11, 2007;

Whereas the United States House of Representatives passed a resolution in September 2008 calling for the return of democracy in Bangladesh;

Whereas the caretaker government of Bangladesh returned the country to democracy through an election held on December 29, 2008;

Whereas the December 29, 2008, election was monitored by numerous international election observers that declared the election credible;

Whereas the United States Department of State welcomed "the success of Bangladesh's parliamentary elections" and congratulated the "Bangladesh Election Commission and the thousands of government officials involved in organizing this successful election";

Whereas the Awami League, led by former Prime Minister Sheikh Hasina Wajed, won over two-thirds of the 300 seats in Parliament and formed a new government in January 2009;

Whereas President Barack Obama awarded Muhammad Yunus the Presidential Medal of Freedom in August 2009;

Whereas the United States Agency for International Development reports that 49 percent of Bangladeshis live below the poverty line;

Whereas Bangladesh's economy grew at an estimated rate of 5.7 percent in 2009;

Whereas the Anti-Corruption Commission in Bangladesh has commenced serious efforts to address corruption; and

Whereas Bangladesh's long-term political stability and economic progress are critical to the security of the South Asian region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its strong support for the people of Bangladesh;

(2) encourages the strengthening and consolidation of democracy in Bangladesh one year after the election;

(3) urges the Government of Bangladesh to work together with all political leaders to continue and deepen reconciliation;

(4) appreciates the Government of Bangladesh for making progress in meeting the selection criteria of the Millennium Challenge Corporation;

(5) urges the Government of Bangladesh to protect the rights of religious and ethnic minorities in Bangladesh, including the Hindus, Christians, Buddhists, Ahmadis, and non-Muslim tribal peoples;

(6) urges the Anti-Corruption Commission in Bangladesh to continue its efforts to eradicate corruption;

(7) urges the Secretary of State to coordinate with Bangladesh on matters pertaining to security, economic progress, and human rights in South Asia; and

(8) encourages the Secretary of State and the Administrator of the United States Agency for International Development to continue supporting the building of a strong civil society and eradicating poverty in Bangladesh.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWLEY. I yield myself such time as I may consume.